

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023

1-4

Page 1	Page 3
<p>1 IN THE UNITED STATES DISTRICT COURT  2 FOR THE SOUTHERN DISTRICT OF TEXAS  3 BROWNSVILLE DIVISION  4  5 BLANCA GOMEZ, ET AL.,  6  7 Plaintiffs,  8  9 AND C.A. NO.  10 YVONNE MICHELLE ZAMORA, 1:22-CV-00036  11  12 Plaintiff-Intervenor,  13  14 vs.  15 CITY OF LYFORD, ET AL.,  16 Defendants.  17  18 DEPOSITION OF  19 KEITH ALLAN HOWSE  20 JULY 25, 2023  21  22 DEPOSITION OF KEITH ALLAN HOWSE having been  23 duly sworn by TAUNEE DRECHSEL, Notary Public in and  24 for the State of Texas. The witness appeared IN  25 PERSON in DALLAS, TEXAS, at 10:11 a.m. pursuant to  Texas Rule of Civil Procedure, the current Emergency  Order Regarding the COVID-19 State of Disaster, and  any provisions stated on the record or attached  hereto.</p>	<p>1 INDEX TO EXAMINATION  2  3 EXAMINATION PAGE  4 Examination by Mr. Hayward 5  5 Examination by Mr. Erwin 151  6 Examination by Mr. Perez 161  7  8 INDEX OF EXHIBITS  9  10 DEFENDANTS' DESCRIPTION PAGE  11 Exhibit 1 - Notice of Deposition 5  12 Exhibit 2 - All documents provided by witness 15  13 Exhibit 3 - Incident Report 69  14 Exhibit 4 - Original Plea in intervention 70  15 Exhibit 5 - Plaintiffs Original Petition 71  16 Exhibit 6 - Final autopsy report 73  17 Exhibit 7 - Toxicology Report 74  18 Exhibit 8 - David Turbay, M.D. report 76  19 Exhibit 9 - First witness Statement made by Reyes 78  20 Exhibit 10 - Second Witness Statement by Fidel 78  21 Exhibit 11 - Newspaper article 89  22  23  24  25</p>
Page 2	Page 4
<p>1 APPEARANCES OF COUNSEL  2 On behalf of the Plaintiffs:  3 ISRAEL PEREZ LAW, PLLC  4 Attorneys at Law  5 P.O. Box 260  6 Fate, Texas 75132  7 469-897-4000  8 BY: ISRAEL PEREZ, ESQUIRE  9  10 On behalf of the Plaintiff-Intervenor:  11 YOUNGS &amp; ROSILLO LAW FIRM, PLLC  12 Attorneys at Law  13 621 South 10th Avenue  14 Edinburg, Texas 78539  15 956-420-9999  16 BY: CHRISTOPHER YOUNGS, ESQUIRE  17  18 On behalf of the Defendant:  19 DENTON NAVARRO ROCHA BERNAL &amp; ZECH, P.C.  20 Attorneys at Law  21 701 East Harrison Avenue  22 Suite 100  23 Harlingen, Texas 78550  24 956-421-4904  25 BY: JOHN-MICHAEL HAYWARD, ESQUIRE    On behalf of the Defendant:  ROERIG, OLIVEIRA &amp; FISHER, LLP  Attorneys at Law  855 West Price Road  Suite 9  Brownsville, Texas 78520  956-542-5666  BY: D. ALAN ERWIN, JR., ESQUIRE    Also Present:  Mark Hendrix, Videographer</p>	<p>1 (On the record at 10:11 a.m.)  2 THE VIDEOGRAPHER: Today's date is July 25th,  3 2023. We are on the record at approximately 10:11  4 a.m. Central Time in the deposition of Keith Howse.  5 Start media one.  6  7 This is in regards to Blanca Gomez, et al.  8 and Yvonne Michelle Zamora versus the City of Lyford,  9 et al in the United States District Court for the  10 Southern District of Texas Brownsville Division Number  11 122CV00036.  12  13 Would all counsel please introduce yourselves  14 for the record, after which the court reporter will  15 swear in the witness.  16 MR. PEREZ: Israel Perez for the Plaintiffs.  17 MR. ERWIN: Alan Erwin for the Defendants,  18 the Lyford Police Department, and the City of Lyford.  19 MR. HAYWARD: John-Michael Hayward for  20 Defendant Willacy County and Willacy County Sheriff's  21 Department.  22 MR. YOUNGS: Christopher Youngs for the  23 Intervening-Plaintiff, Yvonne Michelle Zamora.  24 THE REPORTER: Mr. Howse, please raise your  25 right hand.    KEITH ALLAN HOWSE  having been first duly sworn, testified as follows:</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023

5-8

<p style="text-align: right;">Page 5</p> <p>1 THE REPORTER: Counsel, you may proceed.</p> <p>2 MR. HAYWARD: Thank you.</p> <p>3 EXAMINATION</p> <p>4 BY MR. HAYWARD:</p> <p>5 Q. Just a couple of quick questions. Please</p> <p>6 state your full name and complete name for the record.</p> <p>7 A. Keith Allan Howse.</p> <p>8 Q. Have you ever gone by any other name?</p> <p>9 A. No, sir.</p> <p>10 Q. Where do you currently reside?</p> <p>11 A. I reside in Southlake, Texas.</p> <p>12 Q. Okay. What county is that in?</p> <p>13 A. That's Tarrant.</p> <p>14 Q. Okay.</p> <p>15 A. T-A-R-R-A-N-T.</p> <p>16 Q. Okay. Do you live anywhere else, whether in</p> <p>17 or out of the state of Texas? Do you have another</p> <p>18 residence?</p> <p>19 A. No, sir.</p> <p>20 Q. Okay. Before I continue on, let me just get</p> <p>21 some housekeeping stuff out of the way. I see you</p> <p>22 have brought some documents with you. I'm going to</p> <p>23 show you a document. I'm going to label it as Exhibit</p> <p>24 1.</p> <p>25 (Defendants' Exhibit No. 1 was marked for</p>	<p style="text-align: right;">Page 7</p> <p>1 documents with you. So let me just go through those.</p> <p>2 Do you have any responsive documents to the</p> <p>3 request for the copy of your entire file pertaining to</p> <p>4 this case and/or your work as retained by the</p> <p>5 Plaintiffs in this case or Counsels representing the</p> <p>6 Plaintiffs in this case?</p> <p>7 A. Yes, sir. I brought the print outs of the</p> <p>8 case file.</p> <p>9 Q. Okay. Could you hand those to me, please?</p> <p>10 Thank you. And it very well may be that the documents</p> <p>11 in here are also responsive to the other ones, but let</p> <p>12 me just ask the questions, and then we can go through</p> <p>13 them. Okay?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Thank you. Okay. A copy of any and all</p> <p>16 correspondence between you or your representatives and</p> <p>17 the Plaintiffs or Plaintiffs' attorneys in this case.</p> <p>18 Is that included in this packet?</p> <p>19 A. Yes, sir. There are some emails in there.</p> <p>20 Q. Fantastic. Could you do me a favor? Could</p> <p>21 you just -- could you pull that out real quick?</p> <p>22 A. Yes, sir. These would be the communications.</p> <p>23 Q. Okay. So would this be all the responsive</p> <p>24 documents that you have in your file referring to the</p> <p>25 correspondence between you and the Plaintiff attorneys</p>
<p style="text-align: right;">Page 6</p> <p>1 identification.)</p> <p>2 MR. HAYWARD: Thanks. Counsel, it's a</p> <p>3 deposition notice.</p> <p>4 BY MR. HAYWARD:</p> <p>5 Q. Okay, sir. If you could just take a look at</p> <p>6 that for me. Just kind of flip through it and let me</p> <p>7 know when you are done.</p> <p>8 A. Yes, sir. I recognize the document.</p> <p>9 Q. And it sounds like you recognize the</p> <p>10 document. Excuse me. That document is being the</p> <p>11 deposition notice that you were given for this</p> <p>12 deposition here today?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Great. Could you please turn to the last</p> <p>15 page? I know you have done this before, so you've</p> <p>16 probably seen this before, correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. This is duces tecum.</p> <p>19 A. Yes, sir.</p> <p>20 Q. You know what that means. It's asking you to</p> <p>21 bring certain documents, responsive documents to this</p> <p>22 deposition?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Fantastic. Let me go through these, A</p> <p>25 through J real quick. And I noticed you do have some</p>	<p style="text-align: right;">Page 8</p> <p>1 in this case?</p> <p>2 A. I do have some billing as well. These are</p> <p>3 billing statements that -- they were sent --</p> <p>4 Q. Anything else or is this it?</p> <p>5 A. I believe that is it with regard to any</p> <p>6 communication.</p> <p>7 Q. All right. Okay. Let's go through a copy of</p> <p>8 any professional services agreements or contracts</p> <p>9 concerning your work or opinions in this case and/or</p> <p>10 compensation to you, or to be paid to you by</p> <p>11 Plaintiffs or the Plaintiffs' attorneys?</p> <p>12 A. Well, part of that was with the billing, but</p> <p>13 then there is also a fee schedule here that lists it.</p> <p>14 It itemizes the costs.</p> <p>15 Q. Okay. I'll probably circle back to this in a</p> <p>16 little bit. So it says you have an initial retainer</p> <p>17 fee of \$1,500. That gets paid upfront; is that right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. And then you have here -- it looks</p> <p>20 like a total of about \$2,962.50 plus the initial</p> <p>21 retainer. Does that sound about right?</p> <p>22 A. The --</p> <p>23 Q. Or was there more?</p> <p>24 A. -- the total is the 2,962 less the retainer.</p> <p>25 And this is a billing for the remainder 1,462.</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 9-12

<p style="text-align: right;">Page 9</p> <p>1 Q. Oh, okay. I see. I got it. So the total          2 was \$2,962.50?          3 A. Yes, sir.          4 Q. That's the total amount that was billed to          5 date, I guess, not counting coming here to this          6 deposition?          7 A. Correct. Excluding a two-hour minimum on the          8 deposition.          9 Q. Oh, okay. And that's probably in your fee          10 schedule?          11 A. Yes, sir.          12 Q. Let me see. All right. Okay. And then a          13 copy of all invoices or bills for your services. It's          14 right there?          15 A. Yes, sir. That -- you have those.          16 Q. A copy of all articles, treatises,          17 authoritative texts, publications, or other letters          18 that are relied upon by you with regard to any          19 opinions rendered in this case. That would be E.          20 A. So for this, for E -- and in the report, I do          21 list sources and documentation that I referenced, you          22 know, for the report. But specifically there was an          23 article here by the Valley Morning Star that I looked          24 at. And I referenced the International Association of          25 Chiefs of Police excited delirium and recording police</p>	<p style="text-align: right;">Page 11</p> <p>1 me, let me make sure this is what I'm asking for          2 though. I'm still going to take it from you. So I'm          3 looking for anything that you used in support of the          4 report that you wrote. So for now if there is          5 anything that you considered after your          6 report -- excuse me -- after you wrote your report, I          7 want to kind of separate that.          8 A. No. Nothing after the report. The sources          9 that I specifically used for the report, again, are          10 listed in the report.          11 Q. Okay. Now you said something about a          12 cellphone -- I guess a paper on cellphone use or          13 something. Do you have that there with you?          14 A. This is -- some of that is information that I          15 provided you already from the International          16 Association of Chiefs of Police. This is an article          17 that I wrote for what is called Ethics Roll Call for          18 the Institute for Law Enforcement and for the          19 Administration.          20 And that is -- it starts a couple of pages back.          21 It's not the first one. But it's regarding seizure          22 and arrest of individuals' cellphones.          23 Q. You said that this is the one that you          24 authored?          25 A. Yes, sir.</p>
<p style="text-align: right;">Page 10</p> <p>1 activity guidelines and policies. And I also cite the          2 Harris County Sheriff's Office policy on excited          3 delirium procedures. And this is that.          4 Q. Pardon. We can get into this in a minute.          5 But this Harris County Sheriff's Office excited          6 delirium -- this is the policy that I think you          7 actually directly copied and pasted into the report,          8 right?          9 A. Part of it. It was not complete. But --          10 Q. Yeah.          11 A. -- the relevant section.          12 Q. I'm sorry. I didn't mean to suggest you put          13 the whole thing in here, but you took parts of it and          14 put it into the report, correct?          15 A. I believe so.          16 Q. Okay. Well, let's go to the next one. So we          17 have copies of articles, treatises, authoritative          18 texts, publications, or other literature that you          19 contend support your opinions in this case.          20 Is everything that you gave me -- I have          21 everything here, right?          22 A. I did make a copy here relevant to a piece of          23 my opinion regarding cellphone seizing. And that was          24 in regard to Ms. Zamora.          25 Q. Is this -- okay. So before you hand that to</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay.          2 A. It starts a few pages back.          3 Q. Okay.          4 A. Yeah. I'll find it here. It's got two          5 articles combined here. So let's see here. This          6 would be where it starts for me.          7 Q. Okay. This was written in 2014?          8 A. Yes, sir. I believe that's right.          9 Q. On or about. Okay. To the extent not          10 included in your entire file as requested in letter A          11 above, copies of all notes, reports, drafts, or draft          12 reports concerning your opinions in this case.          13 A. I don't have any notes other than -- what I          14 do is when I start to write the report, I try to          15 create an outline, somewhat like an old fashion. Then          16 as I fill it in, it becomes the report. So I don't          17 have any separate notes.          18 Q. Okay. All right. List of cases in which you          19 have testified as an expert witness either by          20 deposition or trial. I know I have -- I know your          21 report lists cases that you have worked on in the last          22 four years. But do you have a complete reference?          23 A. No, sir. I didn't provide a complete          24 reference. I generally provide the four-year          25 requirement from the federal courts. I could</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 13-16

<p style="text-align: right;">Page 13</p> <p>1 certainly provide you additional information.</p> <p>2 Q. Yeah. And that's what this subpoena asked</p> <p>3 for. It's not limited. But okay. Let me -- and</p> <p>4 again, I'm going to go into your resume here in a</p> <p>5 minute. But just, you know, briefly can you tell me</p> <p>6 when did you start offering services as an expert?</p> <p>7 What year?</p> <p>8 A. Probably would have been approximately 2005.</p> <p>9 Q. Okay. So if I'm looking here at the list of</p> <p>10 cases that you did put down here over the last four</p> <p>11 years -- okay. So this is all the cases you worked on</p> <p>12 in the last four years, right?</p> <p>13 A. These are the cases that I've testified</p> <p>14 either in deposition or in court. Testimony related</p> <p>15 only.</p> <p>16 Q. Okay. About how many cases have you</p> <p>17 testified in since you started?</p> <p>18 A. I would have to give you an estimate.</p> <p>19 Q. Okay.</p> <p>20 A. But I would say probably, off the top of my</p> <p>21 head, 90 to 100. Well, I'm sorry. You said</p> <p>22 testified, correct?</p> <p>23 Q. Yes.</p> <p>24 A. Not worked. Yeah. It would be less than</p> <p>25 that. Probably testified either deposition or trial</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Yes, sir. Again, most all of this is through</p> <p>2 the discovery process, Plaintiffs' petitions, some</p> <p>3 expert reports I have prepared, an incident report</p> <p>4 from the City of Lyford Police Department. I believe</p> <p>5 that's everything included in this group. And some</p> <p>6 witness statements from Willacy County inmates. And</p> <p>7 subpoena information.</p> <p>8 Q. What is that?</p> <p>9 A. This is my report.</p> <p>10 Q. Okay. I'm looking -- the reason I'm asking</p> <p>11 is I don't think I have that cover page for some</p> <p>12 reason. Can I see that?</p> <p>13 A. Yes, sir. It's just a letterhead.</p> <p>14 Q. Okay. Let's see. Okay. I'm just going to</p> <p>15 make this entire packet Exhibit 2 here. Hopefully I</p> <p>16 didn't lose anything in the process, but I think I put</p> <p>17 it all back together.</p> <p>18 (Defendants' Exhibit No. 2 was marked for</p> <p>19 identification.)</p> <p>20 MR. HAYWARD: Thanks.</p> <p>21 THE WITNESS: Surely.</p> <p>22 BY MR. HAYWARD:</p> <p>23 Q. Thanks. I'm going to keep this over here.</p> <p>24 And then if I ask you anything, of course, pertaining</p> <p>25 to -- actually, you know what? I'm just going to</p>
<p style="text-align: right;">Page 14</p> <p>1 testimony maybe 15 to 20.</p> <p>2 Q. Fifteen to twenty?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay.</p> <p>5 A. Just defining it to some sort of testimony.</p> <p>6 Q. Correct. Yes. So about 15 or 20 total since</p> <p>7 2005; is that right?</p> <p>8 A. Approximately.</p> <p>9 Q. Okay.</p> <p>10 A. I'd have to, again, prepare you a specific</p> <p>11 list.</p> <p>12 Q. Color copies of any and all photographs,</p> <p>13 diagrams, or other reproduction pertaining to this</p> <p>14 case.</p> <p>15 A. No reproductions, or diagrams, or</p> <p>16 photographs.</p> <p>17 Q. As in you just don't have anything responsive</p> <p>18 to the request?</p> <p>19 A. Yes, sir. I did not receive any, and I have</p> <p>20 not produced any.</p> <p>21 Q. Okay. All documents, tangible things,</p> <p>22 reports, models, or date compilations that have been</p> <p>23 provided to, or viewed by, or prepared to</p> <p>24 you -- excuse me -- by or for you in anticipation of</p> <p>25 your testimony or opinions in this case.</p>	<p style="text-align: right;">Page 16</p> <p>1 leave this here with you. Let's just leave it here</p> <p>2 with you. And that way when I ask you questions, if</p> <p>3 you want to look something up, feel free to do that.</p> <p>4 Okay?</p> <p>5 A. Sure. Thank you.</p> <p>6 Q. No problem. Okay. Okay, sir. Obviously</p> <p>7 having done this before, you do understand that your</p> <p>8 testimony here today is under oath, and it is the same</p> <p>9 as the testimony that you would give in trial under</p> <p>10 oath?</p> <p>11 A. Absolutely. Yes, sir.</p> <p>12 Q. And obviously you understand what the penalty</p> <p>13 is for not telling the truth under oath?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. Let's go ahead and -- can you turn to</p> <p>16 your expert report, please? Because I'm going to</p> <p>17 start asking some questions about some of the</p> <p>18 information in here.</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. So let's go ahead and just turn to the</p> <p>21 last page. I don't want to belittle this too much,</p> <p>22 but I just kind of want to ask a couple of questions</p> <p>23 about some of these cases that you worked on in the</p> <p>24 last four years.</p> <p>25 A. Yes, sir. Go ahead.</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 17-20

<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. Great. So according to this, it          2 appears like in the last four years you testified          3 in -- and correct me if I'm wrong, but it looks like          4 four state cases and three federal cases?          5 A. I believe that is correct.          6 Q. Okay. All right. So on this first one here,          7 Barbara Coats vs. Harris County. Who did you -- I'm          8 sorry. Not who did you represent. Who were you          9 retained by, the plaintiff or the defendant?          10 A. That was plaintiff.          11 Q. And it says use of deadly force. Just          12 briefly, what kind of force was at issue in that case?          13 A. That case was involving a Harris County          14 Constable's Office, deadly force, denial of emergency          15 medical care regarding a drug overdose.          16 Q. Was this a death case?          17 A. Yes.          18 Q. Okay. Was this a death case that occurred, I          19 guess, like at the scene of an arrest or was this an          20 in-custody death? Or excuse me, was this a jail          21 death?          22 A. It was -- I would classify it as an          23 in-custody death.          24 Q. Yes. But did it occur at a scene, or did it          25 occur in a jail?</p>	<p style="text-align: right;">Page 19</p> <p>1 former police officer. And there were issues with          2 police training that he had received. So it was          3 really both I guess you'd say.          4 Q. Were there any parties in that case that were          5 actual law enforcement? Like was there a department          6 involved, a city involved?          7 A. No, sir. He was former law enforcement, and          8 it involved his training as a law enforcement officer.          9 Q. Okay.          10 A. But he was no longer associated at that time          11 with the department.          12 Q. I guess the answer to my question is with          13 regards to the parties in the case, there were no          14 police officers directly sued, and there were no          15 cities or police departments as parties in the          16 lawsuit?          17 A. That would be correct. Yes.          18 Q. How about the Ruda v. State of New Jersey?          19 Is this a law enforcement related case?          20 A. I would consider it more of a security use of          21 force case.          22 Q. With regard to parties, were there any          23 parties in the case that were either active police          24 officers being sued in their official capacity,          25 cities, police departments, anything like that?</p>
<p style="text-align: right;">Page 18</p> <p>1 A. It occurred outside of a jail environment.          2 It was in a shopping center parking lot as a result of          3 officers responding to a call.          4 Q. Okay. The next case, Parker v. Briggs. This          5 looks like -- okay. This is a Louisiana State case.          6 It says security procedure. Just briefly, does this          7 involve law enforcement, this case?          8 A. It -- not so much in the death -- in the          9 process of how the individual died. More so there          10 were some issues on the investigation side. But          11 primarily it was a, what I could call, classified as a          12 security negligence kind of case.          13 Q. Did you represent the plaintiff or the          14 defendant?          15 A. That was plaintiff as well in a premises          16 liability case.          17 Q. Premises liability?          18 A. Yes, sir.          19 Q. Negligence failed action?          20 A. Yes, sir.          21 Q. Okay. The next case, Flowers v. JKS Security          22 State case. Is this a law enforcement related case?          23 A. It was a, what I would refer to, as a hybrid          24 case. It involved in a security officer's actions,          25 use of force; however that security officer was also a</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Well, in that case, I was retained by the          2 State of New Jersey, which was the Defendant. And the          3 State of New Jersey operated -- obviously operates          4 with police powers. But this was a mental hospital          5 under their jurisdiction that they operated.          6 Q. So no law enforcement agencies were directly          7 added as parties in that case?          8 A. There were no parties that were law          9 enforcement officers. Only State security officers.          10 Q. Okay. All right. The next one is Holman v.          11 Harris County. Okay. So this one -- this is the one          12 you said is police procedure use of force. What was          13 the use of force at issue in this case?          14 A. This case involved the Harris County          15 Sherriff's Office and the use of tasers on a disabled          16 individual. And I was retained by plaintiff's          17 counsel. And it was -- yeah. It was Harris County          18 Sherriff's deputies use of force. No death.          19 Q. Okay. Did the issues in this case arise from          20 an incident that occurred inside of a jail? Or was it          21 outside at a scene somewhere?          22 A. It was outside of a convenience store.          23 Q. Yeah. All right. Next one Ida Nobles, et          24 al. v. Sergeant Richard Egal. This is Austin, Texas          25 District Court. It says police procedure use of</p>



KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORDJuly 25, 2023  
21-24

<p style="text-align: right;">Page 21</p> <p>1 deadly force. Do you see that case?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. Okay. Use of deadly force.</p> <p>4 Obviously, there is a death here. What was the use of</p> <p>5 force at issue?</p> <p>6 A. This -- I was retained by plaintiff's</p> <p>7 counsel. It involved a shooting death by two</p> <p>8 Austin -- City of Austin police officers.</p> <p>9 Q. Okay. It probably goes without saying, but</p> <p>10 for purposes of clarity, did this shooting death occur</p> <p>11 inside of a jail or outside somewhere?</p> <p>12 A. It was outside on 6th Street in Austin,</p> <p>13 Texas.</p> <p>14 Q. When they say 6th Street is getting</p> <p>15 dangerous, they're not kidding.</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. The next one is Stephen Bryant III v.</p> <p>18 Galveston County. It says police procedure use of</p> <p>19 force. What was the use of force at issue here?</p> <p>20 A. Again, retained by plaintiff's counsel. And</p> <p>21 this was Galveston County Sherriff's Office deputy's</p> <p>22 use of force on a subject that was in custody in the</p> <p>23 patrol vehicle. Not in a jail but while in custody in</p> <p>24 the backseat of a patrol vehicle.</p> <p>25 Q. Is this a death case?</p>	<p style="text-align: right;">Page 23</p> <p>1 that case?</p> <p>2 A. Via deposition.</p> <p>3 Q. Plaintiff or -- for the plaintiff or for the</p> <p>4 defendant?</p> <p>5 A. For the plaintiff.</p> <p>6 Q. What specifically were you hired as an expert</p> <p>7 to give an opinion on in that case?</p> <p>8 A. The use of force and arrest procedure.</p> <p>9 Q. The arrest procedure. Okay. Were you asked</p> <p>10 to give any expert testimony as to jail policy or the,</p> <p>11 I guess, the overall procedure of the handling and the</p> <p>12 booking process?</p> <p>13 A. No, sir.</p> <p>14 Q. Okay. Anything else? Or are we up to speed</p> <p>15 pretty much, that you can remember?</p> <p>16 A. Yes. As far as actual testimony via</p> <p>17 deposition or court.</p> <p>18 Q. I mean, I'm not going to ask you about cases</p> <p>19 you don't have listed down here since it would do no</p> <p>20 good since you don't have anything to reference. But</p> <p>21 I think that's good, the last four years.</p> <p>22 I'm assuming you have testified for the defense</p> <p>23 at some point in time; is that correct? Or have you</p> <p>24 primarily only been for the plaintiff?</p> <p>25 A. Well, the Ruda case was for the State of New</p>
<p style="text-align: right;">Page 22</p> <p>1 A. No, sir. It did not involve a death. And,</p> <p>2 just to clarify, since this report was written, I did</p> <p>3 just a couple weeks ago testify in another deposition</p> <p>4 that is not listed on here.</p> <p>5 Q. What is the name of that case, please?</p> <p>6 A. Let's see. So that -- I can't find that</p> <p>7 anywhere. That is -- I believe it is going to be</p> <p>8 titled Brian King v. Potsdam P-O-T-S-D-A-M, I believe,</p> <p>9 New York Police Department -- or city -- or I'm sorry.</p> <p>10 It's called Village of Potsdam.</p> <p>11 Q. Federal case?</p> <p>12 A. Yes, sir. United States District Court for</p> <p>13 the Northern District of New York.</p> <p>14 Q. Use of force case?</p> <p>15 A. Yes, sir. Use of force, again, in taking an</p> <p>16 individual into custody.</p> <p>17 Q. This is a death case?</p> <p>18 A. No, sir. Just injury only.</p> <p>19 Q. Did the injuries occur inside of a jail or</p> <p>20 outside of it?</p> <p>21 A. No, sir. It occurred on the street. I will</p> <p>22 take that back a little bit, sir. There was an issue</p> <p>23 inside the booking area of the jail. It was really in</p> <p>24 both places.</p> <p>25 Q. And you said you have already testified in</p>	<p style="text-align: right;">Page 24</p> <p>1 Jersey, which was defense. And then I've had several</p> <p>2 other defense cases. But it's primarily plaintiff by</p> <p>3 nature.</p> <p>4 Q. With respect to the testimony that you give</p> <p>5 where specifically you support cases involving law</p> <p>6 enforcement activity, not security, procedure -- the</p> <p>7 Ruda case is what I was looking at. Have those all</p> <p>8 been plaintiff -- or, excuse. Have you always been</p> <p>9 retained by a plaintiff or in those cases or have you</p> <p>10 done some for the defense as well?</p> <p>11 A. I have done some for the defense as well.</p> <p>12 Q. Okay. Are you able to -- I mean, to the best</p> <p>13 of your ability, are you able to recall the case or</p> <p>14 cases that you did work on for the defense?</p> <p>15 A. I do recall a couple right off the top of my</p> <p>16 head. One was involving the Travis County Constable's</p> <p>17 Office in Austin regarding a training matter and a</p> <p>18 police officer wrongfully terminated from the training</p> <p>19 program.</p> <p>20 Q. Okay. So that's not really a use of force.</p> <p>21 That sounds more like an employment type of a case?</p> <p>22 A. It was training related, police training</p> <p>23 procedure.</p> <p>24 Q. Okay. But was it an employment case? Were</p> <p>25 they getting sued because --</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 25-28

<p style="text-align: right;">Page 25</p> <p>1 A. That was an element of it. But I wasn't</p> <p>2 asked to comment on the employment aspect. I was</p> <p>3 asked to research the field training program and how</p> <p>4 it was operated.</p> <p>5 Q. All right. I'll just skip that one. Just</p> <p>6 I'm asking was the lawsuit an employment lawsuit? Or</p> <p>7 do you not remember?</p> <p>8 A. I don't recall.</p> <p>9 Q. Okay.</p> <p>10 A. I believe there was initially an EEOC</p> <p>11 investigation--</p> <p>12 Q. Yeah.</p> <p>13 A. -- and then the lawsuit followed after that.</p> <p>14 And, again, my focus was the field training component</p> <p>15 for the Travis County Constables' Office.</p> <p>16 Q. I understand. And listen, I mean, I'm happy</p> <p>17 to let you, you know, give a further explanation if</p> <p>18 you want. It would help things kind of speed along if</p> <p>19 I do ask you a question that's more of a direct</p> <p>20 yes-or-no question, if you're able to give that. I'd</p> <p>21 appreciate it. That way I don't have to keep asking</p> <p>22 the question again. Is that okay?</p> <p>23 A. I understand.</p> <p>24 Q. Okay. Thanks. Okay. So having done this</p> <p>25 for a while, you understand the difference between</p>	<p style="text-align: right;">Page 27</p> <p>1 Okay? You provide them information, and they don't</p> <p>2 like the information that you're providing them. Do</p> <p>3 you understand what I'm saying?</p> <p>4 A. Yes, sir. That has occurred.</p> <p>5 Q. That has occurred? Okay. What kind of cases</p> <p>6 does that typically occur?</p> <p>7 A. Well, generally, a report is never written</p> <p>8 because my initial assessment, for whatever reason,</p> <p>9 does not interest counsel, and it's over. Typically</p> <p>10 that's where it stops.</p> <p>11 Q. Okay. Yeah. The question is what kind of</p> <p>12 cases, if you can, recall does that typically occur</p> <p>13 on?</p> <p>14 A. It's police use of force for arrest,</p> <p>15 sometimes false arrest-type cases. Those are the two</p> <p>16 primary.</p> <p>17 Q. Has an attorney that has retained you, ever</p> <p>18 removed you as an expert in the case after you have</p> <p>19 already been designated as an expert?</p> <p>20 A. No, sir. Not that I'm aware of.</p> <p>21 Q. Okay. Has an attorney that has retained you</p> <p>22 ever removed you as an expert in a case after you gave</p> <p>23 your deposition testimony?</p> <p>24 A. No, sir.</p> <p>25 Q. Have you ever been -- to your knowledge, have</p>
<p style="text-align: right;">Page 26</p> <p>1 being a retained expert and a consulting expert?</p> <p>2 A. Yes, sir. And I did want to backtrack to</p> <p>3 your other question. There was another case, if you</p> <p>4 care to hear about that.</p> <p>5 Q. That's okay. Let's just focus on this. I</p> <p>6 appreciate it. If I want to, I'll come back to that.</p> <p>7 A. I understand.</p> <p>8 Q. But so in your capacity acting as an expert,</p> <p>9 you are aware there is a difference between a retained</p> <p>10 expert and a consulting expert?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. What would be your understanding of</p> <p>13 that? What is the difference?</p> <p>14 A. Well, generally as a consulting expert, you</p> <p>15 may not necessarily testify. I have generally been</p> <p>16 retained as a retained expert who is expected to</p> <p>17 testify.</p> <p>18 Q. Okay. Has a client -- or, I guess, has an</p> <p>19 attorney who has reached out to you for services, ever</p> <p>20 declined to use you as an expert because of an opinion</p> <p>21 that you provided that they did not like?</p> <p>22 A. I'm sorry. Restate that.</p> <p>23 Q. Sure. So somebody reaches out to you for</p> <p>24 expert services. They ask you to take a look at</p> <p>25 information and provide an expert report to them.</p>	<p style="text-align: right;">Page 28</p> <p>1 you ever been struck as an expert in any of the cases</p> <p>2 in which you provided expert services?</p> <p>3 A. No, sir.</p> <p>4 Q. Okay. So since 2005, you've never been</p> <p>5 struck in a lawsuit before, as an expert?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. And that includes both state and federal; is</p> <p>8 that correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. In your career of providing expert</p> <p>11 services, have you ever provided expert services in a</p> <p>12 field or discipline other than law enforcement?</p> <p>13 A. Well, security management, I'd guess you say.</p> <p>14 Security use of force. They're somewhat parallel</p> <p>15 topics.</p> <p>16 Q. Okay. Now according to your resume, you are</p> <p>17 a licensed attorney; is that correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. Have you ever been retained as an</p> <p>20 expert in a case for the purpose of providing an</p> <p>21 expert legal opinion based on you being an attorney?</p> <p>22 A. No, sir.</p> <p>23 Q. Okay. Other than in your capacity of</p> <p>24 providing expert services, have you ever been a party</p> <p>25 in a lawsuit, whether civil or criminal?</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 29-32

<p style="text-align: right;">Page 29</p> <p>1 A. Yes.</p> <p>2 Q. Okay. How many times?</p> <p>3 A. One time. It was a civil case, personal</p> <p>4 civil case.</p> <p>5 Q. Okay. Were you the plaintiff or the</p> <p>6 defendant?</p> <p>7 A. Myself and my wife were plaintiffs in an</p> <p>8 eviction case in Tarrant County.</p> <p>9 Q. Is that the only one?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. Have you ever testified in a criminal</p> <p>12 matter?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Is that -- you'll have to forgive me. But is</p> <p>15 that one of the cases where you were working for the</p> <p>16 state? Or is this something else?</p> <p>17 A. Are you referring to as an expert or --</p> <p>18 Q. Yeah.</p> <p>19 A. -- because I was a police offer.</p> <p>20 Q. Let me rephrase my question. Yeah. Let me</p> <p>21 rephrase my question because I just realized you are</p> <p>22 correct. You do have a long law enforcement career,</p> <p>23 so I'll ask you about that as well.</p> <p>24 So in your expert capacity, have you ever</p> <p>25 testified in a criminal matter for the district</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. But that you can remember, just the one that</p> <p>2 you can remember?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. Okay. In your capacity as a police</p> <p>5 officer, have you ever given testimony under oath</p> <p>6 which was later determined to be untruthful?</p> <p>7 A. No, sir.</p> <p>8 Q. Have you ever been convicted of or charged</p> <p>9 with any crime, whether in Texas or anywhere else in</p> <p>10 the world?</p> <p>11 A. No, sir.</p> <p>12 Q. Okay. You are familiar with the -- I mean,</p> <p>13 obviously you are familiar with what an F-5 is?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. Separational Licensee. And at the</p> <p>16 bottom it has the choices that the chief, or whoever</p> <p>17 your department, you know, superior is, where you are</p> <p>18 either given a designation of honorable, general, or</p> <p>19 dishonorable.</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Have you ever received a general</p> <p>22 discharge?</p> <p>23 A. No, sir.</p> <p>24 Q. Have you ever resigned in lieu of receiving</p> <p>25 either a dishonorable or general discharge?</p>
<p style="text-align: right;">Page 30</p> <p>1 attorney's office or for a criminal defense attorney?</p> <p>2 A. No, sir.</p> <p>3 Q. Are you sure about that?</p> <p>4 A. As an expert in a criminal matter in a case</p> <p>5 filed by the DA, I don't believe so. I don't recall.</p> <p>6 Q. Okay. And then as a police officer, have you</p> <p>7 testified in any criminal matters?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. Like a lot? Is it memorable? Is it a</p> <p>10 small amount? What are we talking about?</p> <p>11 A. Small, I would say.</p> <p>12 Q. Okay. Do you recall how many times?</p> <p>13 A. I recall a motor vehicle theft, arrest. That</p> <p>14 was probably the only one I testified at. I had</p> <p>15 multiple standbys that never ended up in testimony.</p> <p>16 Q. Okay. So motor vehicle, are we talking like</p> <p>17 a traffic ticket?</p> <p>18 A. No. I'm sorry. A theft of a motor vehicle.</p> <p>19 Q. Theft of a motor vehicle. Okay. Anything</p> <p>20 else?</p> <p>21 A. There may have been, but just off the top of</p> <p>22 my head I don't recall.</p> <p>23 Q. Okay.</p> <p>24 A. As I mentioned, lots of -- I was called down</p> <p>25 lots of times.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. No, sir.</p> <p>2 Q. Have you ever resigned in lieu of any pending</p> <p>3 criminal action?</p> <p>4 A. No, sir.</p> <p>5 Q. Have you ever resigned in lieu of any pending</p> <p>6 disciplinary action?</p> <p>7 A. No, sir.</p> <p>8 Q. While you were a police officer, have you</p> <p>9 ever, for whatever reason, been suspended?</p> <p>10 A. No, sir.</p> <p>11 Q. Have you, as a police officer, ever been</p> <p>12 given a written reprimand?</p> <p>13 A. I don't believe so. No, sir.</p> <p>14 Q. How about a verbal reprimand?</p> <p>15 A. Oh, yes, sir. I'm sure I probably had a</p> <p>16 supervisor offer some guidance or counseling, you</p> <p>17 know, from time to time. Absolutely.</p> <p>18 Q. Have you ever been the subject of an internal</p> <p>19 affairs investigation, also known as an IA</p> <p>20 Investigation?</p> <p>21 A. No, sir.</p> <p>22 Q. Have you ever received -- and again, let me</p> <p>23 just back up by saying that I just have to go through</p> <p>24 these questions. I don't want you to take offense to</p> <p>25 them, but I got to ask them. Okay?</p>



KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023

33-36

<p style="text-align: right;">Page 33</p> <p>1 A. I understand. Understand.</p> <p>2 Q. All right. So have you ever received any</p> <p>3 citizen complaints while serving in a law enforcement</p> <p>4 or security related capacity?</p> <p>5 A. I don't recall any.</p> <p>6 Q. Okay. Have you ever worked in a jail or</p> <p>7 prison?</p> <p>8 A. No, sir.</p> <p>9 Q. Have you ever written policies and/or</p> <p>10 procedures specifically for a local or county jail?</p> <p>11 A. Only to the extent of a local holding cell, a</p> <p>12 detention holding cell, that was maintained by our</p> <p>13 police department. But again, that was not at the</p> <p>14 jail. That was a holding cell prior to prisoners</p> <p>15 being taken to jail.</p> <p>16 Q. Right. And I'm going to get to that in a</p> <p>17 minute because I'm going to need a little bit of</p> <p>18 clarification as to, I guess, your duty station when</p> <p>19 you were an officer. But I'll get to that in just a</p> <p>20 minute.</p> <p>21 Okay. Have you ever served in the capacity as an</p> <p>22 elected sheriff?</p> <p>23 A. No, sir.</p> <p>24 Q. Have you ever been employed by a county</p> <p>25 sheriff's department, whether in this state or another</p>	<p style="text-align: right;">Page 35</p> <p>1 1 in Dallas. Q. I promise this isn't a gotcha</p> <p>2 moment, but I don't recall seeing the Constable</p> <p>3 precinct. I'm sure it's in here. Can you point to</p> <p>4 it, please, in your report?</p> <p>5 A. No, sir. You're correct, and I do</p> <p>6 probably -- if you'll bear with me, I need to explain</p> <p>7 that on the peak hole record, it will be listed for</p> <p>8 agencies that I've worked with. In reality, even</p> <p>9 though my commission was carried by the Dallas County</p> <p>10 Constable, and I was a deputy constable -- reserve</p> <p>11 deputy constable, my assignment was at Baylor, and I</p> <p>12 was paid by Baylor.</p> <p>13 And so that's why I've listed it as continuously</p> <p>14 with Baylor from an employment perspective.</p> <p>15 Q. Okay. So for the lay people who are not law</p> <p>16 enforcement personnel, how does that work? If you</p> <p>17 work either a primary duty station is Baylor</p> <p>18 University Medical Center, but you're also a reserve</p> <p>19 deputy constable for Dallas County Constable Precinct?</p> <p>20 A. It is a little unusual. I will grant you</p> <p>21 that. The Baylor Police Department operated under a</p> <p>22 section of the Texas Education Code, which allowed its</p> <p>23 security personnel to be licensed peace officers. The</p> <p>24 law changed affecting the description and</p> <p>25 authorization of who could -- what kind of educational</p>
<p style="text-align: right;">Page 34</p> <p>1 state?</p> <p>2 A. Not --</p> <p>3 Q. As a deputy sheriff.</p> <p>4 A. Not as a deputy sheriff. No, sir.</p> <p>5 Q. Thanks. Have you ever worked for a law</p> <p>6 enforcement agency? This is excluding private</p> <p>7 contracting in the Rio Grande Valley?</p> <p>8 A. No, sir.</p> <p>9 Q. Do you speak Spanish fluently?</p> <p>10 A. No, sir.</p> <p>11 Q. Do you speak any Spanish?</p> <p>12 A. Pocito.</p> <p>13 Q. Enough to make you dangerous at the</p> <p>14 restaurant?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. All right. That's fair. Okay.</p> <p>17 What are all the law enforcement departments,</p> <p>18 exactly, that you have worked for over the years as a</p> <p>19 peace officer?</p> <p>20 A. The -- and I'm going to clarify this because</p> <p>21 it may not show up correctly on the peak hole record.</p> <p>22 But primarily it was the Baylor Health Care System</p> <p>23 Department of Public Safety is the official title. It</p> <p>24 was commonly just called Baylor Police. And then also</p> <p>25 the Dallas County Constables' Office, Precinct Number</p>	<p style="text-align: right;">Page 36</p> <p>1 institutions could operate under that law.</p> <p>2 Because of the change, we had to seek a change in</p> <p>3 the law with -- the next time the legislature came</p> <p>4 into session. In that interim, which is about a year</p> <p>5 and a half or so, the Dallas County Constable Mike</p> <p>6 Pappas Precinct One hired all of our officers as</p> <p>7 reserve deputy constables.</p> <p>8 However, he assigned us back to our original</p> <p>9 carrier, which is in precinct one, which is also</p> <p>10 available. Subsequently, the law was changed</p> <p>11 reauthorizing Baylor Healthcare System and some other</p> <p>12 institutions to have peace officers, and we converted</p> <p>13 back to Baylor.</p> <p>14 Q. Okay. So obviously there's a lot of</p> <p>15 confusing bureaucracy going on there, but it seems</p> <p>16 like my takeaway from that is, is that</p> <p>17 you're -- during that time, you're reserve deputy</p> <p>18 constable, and you're still, I guess, working at</p> <p>19 Baylor University Medical Center or working that</p> <p>20 jurisdiction; is that correct?</p> <p>21 A. Yes, sir. For the most part, there were</p> <p>22 occasions where we did other items. We were kind of</p> <p>23 all hands-on deck kind of defense, but that was the</p> <p>24 primary assignment, and that's who we were paid by.</p> <p>25 Q. Right. Okay. I appreciate that. I mean, I</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 37-40

<p style="text-align: right;">Page 37</p> <p>1 can understand why that might not make the resume,          2 because it sounds like it's a little bit more in name          3 only since you're getting paid by the university          4 still; is that correct?          5 A. Yes, sir. As I mentioned, there were some          6 duties.          7 Q. Well, what were some of those duties?          8 A. Well, whenever there were parades or large          9 public events, things of that nature, that multiple          10 agencies might work, we would assist with those.          11 Q. Okay. During the time in your capacity as          12 constable, would the name of being a deputy constable,          13 other than doing parades and other type of events to          14 help out were you actively patrolling in other          15 jurisdictions?          16 A. No, sir. We were assigned to the Baylor          17 area.          18 Q. When you say Baylor area, you're talking          19 about the Baylor University Medical Center?          20 A. The Baylor University Medical Center campus,          21 I guess we would say which is what's known as Old East          22 Dallas.          23 Q. Okay. So other than that interaction with          24 the constable's precinct one, and the Baylor          25 University Medical Center, is that the entirety of</p>	<p style="text-align: right;">Page 39</p> <p>1 page 14 and we start going from the bottom up, that's          2 kind of, I guess, the chronological order; is that          3 right?          4 A. There's -- you're referring to the licenses          5 and certifications.          6 Q. Actually, I'm referring to your job positions          7 here.          8 A. I've got --          9 Q. So let me rephrase this. It looks like the          10 first position you had with Baylor was public service          11 officer, 1982 to 1985; is that right?          12 A. Yes, sir.          13 Q. Okay. So according to your certificate date          14 as a public service officer during this time, you          15 weren't a peace officer at that time?          16 A. That's correct. A public service officer is          17 also the term we use for security officer.          18 Q. Right. And all I'm getting -- all I'm trying          19 to ask is you weren't a licensed peace officer at that          20 time, right?          21 A. That's correct.          22 Q. Yeah. And then the next one says          23 corporal/(indiscernible) medical technician field          24 training officer, 1985 to 1986. This one says          25 provided field training to new officers and</p>
<p style="text-align: right;">Page 38</p> <p>1 your career in law enforcement, working for an agency?          2 A. Yes. Actual paid employment.          3 Q. Okay. All right. I'm going to start          4 referring to page 14 if you want to go ahead and flip          5 there, page 14 of your report. Let's see. It looks          6 like this. It's the one that's got your current and          7 past licenses and information.          8 A. Gotcha. All right.          9 Q. Okay. So typically when I see this there's          10 dates on here, so if you can help me with some of          11 these. Primarily what was the date that you received          12 your peace officers license? I guess it would be your          13 basic peace officer certification; is that right?          14 A. Yes, sir. It would be -- that's the peace          15 officer course. That would have been -- I'm going to          16 say maybe May of 1988 approximately.          17 Q. May of 1988? Okay. All right. So let me          18 make sure I'm understanding this correctly. It's          19 probably with me but I'm having a hard time kind of          20 understanding the layout of your resume here, so          21 correct me if I'm wrong.          22 So you're saying you worked at Baylor Department          23 of Public Safety from 1982 to 2007; is that right?          24 A. Yes, sir.          25 Q. All right. And then if I go back here to</p>	<p style="text-align: right;">Page 40</p> <p>1 functioning as a weekend patrol supervisor.          2 According to your certification date, you were          3 not a licensed peace officer at this time?          4 A. That's correct. I was a security officer at          5 the time or a corporal.          6 Q. Right. And that's where I'm trying to make          7 sure I understand. I don't want to get confused. But          8 this rank of corporal is not a rank of corporal as a          9 peace officer but as a, you call them, security          10 officer; is that right?          11 A. That's correct.          12 Q. All right. Okay. Then we go up here to the          13 lieutenant of police. All right. This one says 1986          14 to 1991. Managed the crime prevention, fire          15 prevention unit as well as partnering in traffic          16 division.          17 So this one says it started in 1986. Is this an          18 accurate time that the peace officer certification in          19 1988?          20 A. Yes, sir. Not -- not to make it again any          21 more convoluted than it already is, but when I began          22 employment at Baylor it was -- they were a security          23 plant, they were not a police department.          24 We received authority from the state legislature          25 to commission the police department. And during that</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023

41-44

<p style="text-align: right;">Page 41</p> <p>1 period is when I attended the police academy, however</p> <p>2 my title was lieutenant because I had been promoted to</p> <p>3 the rank of lieutenant and would assume the rank of</p> <p>4 lieutenant upon graduation from the academy.</p> <p>5 Q. All right. So let me stop you there for a</p> <p>6 moment. So you were a lieutenant in the security</p> <p>7 force at Baylor, and then they went through procedures</p> <p>8 to create a, I guess, police department; is that</p> <p>9 correct so far?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay.</p> <p>12 A. Legislature authorized creation of the</p> <p>13 licensed police agency.</p> <p>14 Q. Right. And then you go to your basic peace</p> <p>15 officer's academy. It's an academy, right?</p> <p>16 A. Yeah.</p> <p>17 Q. You went to academy. That's six months. Is</p> <p>18 it still six months?</p> <p>19 A. Well, they vary. At the time, I would say it</p> <p>20 was probably four and a half months.</p> <p>21 Q. Okay. But you went to the same academy that</p> <p>22 pretty much everybody else does, like people that</p> <p>23 would -- let me put it this way. The academy that you</p> <p>24 graduated from would be the same academy that somebody</p> <p>25 that was working for Dallas PD would graduate from?</p>	<p style="text-align: right;">Page 43</p> <p>1 running all the way around it?</p> <p>2 I mean, what are we talking about?</p> <p>3 A. Well, the -- the Baylor University Medical</p> <p>4 Center is not too far from here. It sits on about 40</p> <p>5 blocks of urban property. It's bounded by downtown</p> <p>6 Dallas. Again, I mentioned Old East Dallas, Fair</p> <p>7 Park, and an area called Deep Ellen, which is an</p> <p>8 entertainment district, I would describe it as.</p> <p>9 Q. Okay. The campus, is it at all in any way</p> <p>10 gate guarded? Does it have walls?</p> <p>11 A. No, sir.</p> <p>12 Q. No. But it does have a jurisdiction line for</p> <p>13 lack of better words, right?</p> <p>14 A. A jurisdiction line? You mean --</p> <p>15 Q. For you and others who are working for the</p> <p>16 Baylor Department of Public Safety.</p> <p>17 A. Yes. You're a property owned and controlled</p> <p>18 by Baylor.</p> <p>19 Q. Got it. So when we talk about like for</p> <p>20 example as a public service officer and you talk about</p> <p>21 patrolling on foot and in a marked vehicle, it's</p> <p>22 within the compounds of that campus?</p> <p>23 A. Yes, sir. It -- it would be -- for lack of a</p> <p>24 better term, it would be in property owned or</p> <p>25 controlled by Baylor University Medical Center.</p>
<p style="text-align: right;">Page 42</p> <p>1 A. Well, of course Dallas PD has their own</p> <p>2 academy, but yes. It was a state certified police</p> <p>3 academy. Peace officer academy is the peace officer</p> <p>4 academy --</p> <p>5 Q. Perfect.</p> <p>6 A. -- or the peace officer academy.</p> <p>7 Q. Gotcha. But you came out as a lieutenant</p> <p>8 from the police academy; is that right?</p> <p>9 A. Yes, sir. While I attended my internal rank</p> <p>10 for Baylor was lieutenant. However, I attended the</p> <p>11 academy as a cadet.</p> <p>12 Q. Okay. So all right. So I guess from what</p> <p>13 I'm understanding now, okay. You're going to get your</p> <p>14 license in 1988. You become a lieutenant of the then</p> <p>15 newly formed Baylor Department of Public Safety.</p> <p>16 A. Yes.</p> <p>17 Q. All right. Let me back up real quick, now</p> <p>18 that I have that background it helps me a lot. All</p> <p>19 right. So starting back from your first duties with</p> <p>20 Baylor as a public service officer, okay, it says that</p> <p>21 you patrolled on foot and in a marked vehicle.</p> <p>22 I'm interested to know from this point forward</p> <p>23 what was the jurisdictions for -- I know you mentioned</p> <p>24 campus before. And I've never been there before, so</p> <p>25 are we talking about the campuses that have a gate</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay. As a public service officer, what kind</p> <p>2 of weapons, if any did you carry on your person?</p> <p>3 A. I carried firearms.</p> <p>4 Q. As a public service officer that wasn't</p> <p>5 licensed peace officer?</p> <p>6 A. Yes, sir. We were licensed. Well, we were</p> <p>7 what's called commissioned security officer.</p> <p>8 Q. So as a security officer, you did carry a</p> <p>9 firearm?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. Anything else?</p> <p>12 A. A baton.</p> <p>13 Q. Okay. At that time, you had a baton?</p> <p>14 A. Yes, sir. What we called a street stick.</p> <p>15 Not the fancy as, but just, you know, straight baton.</p> <p>16 Q. Okay. And in your duties as a corporal EMT</p> <p>17 field training officer, what kind of weapons did you</p> <p>18 carry?</p> <p>19 A. Same weapons. Armed and same baton, but we</p> <p>20 were cross-trained as either emergency medical</p> <p>21 technicians or emergency care attendants.</p> <p>22 Q. Okay. And then we bump up here to captain of</p> <p>23 police, 1991 to 1997. What kind of weapons did you</p> <p>24 carry?</p> <p>25 A. Same thing. Armed position, except at that</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023

45-48

<p style="text-align: right;">Page 45</p> <p>1 point, we had converted to collapsible batons. Those</p> <p>2 were the -- well, we carried pepper spray as well as</p> <p>3 an intermediate weapon.</p> <p>4 Q. Okay.</p> <p>5 A. I believe the pepper spray also -- all of</p> <p>6 that started with the lieutenant of police when we</p> <p>7 became a formal police agency.</p> <p>8 Q. I appreciate that. That's kind of what I'm</p> <p>9 looking for too is over the years if something else</p> <p>10 has been added or taken away. Just let me know.</p> <p>11 Okay. So as the captain, you're now a licensed</p> <p>12 peace officer. You said that you had modified the</p> <p>13 weapons and asked. You had pepper spray.</p> <p>14 So as a lieutenant and a captain, are you</p> <p>15 still -- in those roles, are you still doing patrol,</p> <p>16 or are you more administrative or management now?</p> <p>17 A. As a lieutenant, I was still doing regular</p> <p>18 patrol. Patrol basically shift supervisor, but there</p> <p>19 were some days that were more, I would describe, as</p> <p>20 administrative in nature. But then as a captain, it</p> <p>21 shifted over more so to be predominately</p> <p>22 administrative. However, due to the size of the</p> <p>23 agency, still routinely did patrols or did stakeouts</p> <p>24 or other operational field work backup -- backup</p> <p>25 patrol officers on serious calls, things of that</p>	<p style="text-align: right;">Page 47</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay.</p> <p>3 A. And also, we were individually issued, but we</p> <p>4 also maintained pepper ball guns for large</p> <p>5 disbursement, but that was not an individual carry</p> <p>6 item. And then we also had shotguns. Again, they</p> <p>7 were issued for patrol or when otherwise necessary.</p> <p>8 Q. Anything else? Any AR-15s? Anything like</p> <p>9 that?</p> <p>10 A. We did have AR-15s in the -- in the armory.</p> <p>11 Q. Okay. Okay. Now, you mentioned earlier</p> <p>12 before, I think -- I had a question about this anyway.</p> <p>13 At some point in time at Baylor University Medical</p> <p>14 Center, like, a holding cell was created; is that</p> <p>15 correct? Is that what you told me?</p> <p>16 A. Yes, sir. At one point, we had one, and then</p> <p>17 we moved to a new facility. Then we had two.</p> <p>18 Q. Okay. Was it always classified as a holding</p> <p>19 cell, though?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. So then am I correct in saying that</p> <p>22 the purpose of the holding cell -- it goes without</p> <p>23 saying that it was to hold somebody until they could</p> <p>24 be transferred to and booked into an actual jail?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 46</p> <p>1 nature.</p> <p>2 Q. Okay. Then we bump up here to director of</p> <p>3 public safety, assistant chief of police, 1997 to</p> <p>4 2007. Okay. How about, did the weapons change at all</p> <p>5 when you got into this role from '97 to 2007?</p> <p>6 A. So '97. At some point, it might have been</p> <p>7 right around '97 or '98, we transitioned to Glock,</p> <p>8 semi-automatic .40 caliber firearms.</p> <p>9 Q. Anything else change in the non-lethal</p> <p>10 department?</p> <p>11 A. In the non-lethal?</p> <p>12 Q. Yes.</p> <p>13 A. I don't believe so.</p> <p>14 Q. During your time with Baylor University</p> <p>15 Medical Center, had you ever been issued a taser?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. So during your time there, it was, I</p> <p>18 guess for a lack of a better word, either lethal,</p> <p>19 which is a pistol that you carry on you, correct so</p> <p>20 far?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Okay. Some type of device, whether it was a</p> <p>23 baton or an asp, collapsible, right?</p> <p>24 A. Yes, sir.</p> <p>25 Q. And then pepper spray.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay. In your career with Baylor University,</p> <p>2 had you ever been involved with an in-custody death?</p> <p>3 A. Can you narrow that down a little? You mean</p> <p>4 where I was personally involved?</p> <p>5 Q. Yeah.</p> <p>6 A. No, sir. Not -- I was never involved in any</p> <p>7 in custody death.</p> <p>8 Q. In your career at Baylor University, had you</p> <p>9 ever been involved with a citizen death which resulted</p> <p>10 from law enforcement use of force?</p> <p>11 A. No, sir.</p> <p>12 Q. In your career with Baylor University, had</p> <p>13 you ever arrested somebody?</p> <p>14 A. Yes, sir. Yeah.</p> <p>15 Q. And what were the typical charges that people</p> <p>16 would get arrested for on Baylor Medical University</p> <p>17 campus? What would you see most of the time?</p> <p>18 A. The majority are what I would call social</p> <p>19 disorder types of activity, public drunkenness,</p> <p>20 thefts, disturbances, disorderly conduct, things like</p> <p>21 that.</p> <p>22 Q. Now, on this campus, is this a campus, I</p> <p>23 guess, for students going to medical school?</p> <p>24 A. No, sir. It is primarily what I would refer</p> <p>25 to as a medical campus consisting of multiple</p>



KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 49-52

<p style="text-align: right;">Page 49</p> <p>1 hospitals and a level one trauma center, as well as          2 educational facilities, laboratory facilities, parking          3 facilities. The Baylor College of Medicine, which is          4 the medical school, is actually in Houston. The          5 school of nursing, however, is in Dallas.          6 Q. Okay. So this particular campus, this is a          7 true medical center campus. So are your encounters          8 with people, as far as social -- like you call them          9 social disorder situations, are these encounters with          10 people that are either entering the hospital or being          11 brought into the hospital by somebody else?          12 A. Yes and no. When we gained our authorization          13 for a police agency status, our jurisdiction was          14 expanded to city streets as well. And -- so many of          15 our contacts weren't necessarily going to the          16 hospital, let's say. It may have been a traffic stop,          17 or a suspicious person stop, or somebody's passing          18 through.          19 The area of town there is very transient.          20 There's a detoxification center not too far away.          21 It's an urbanized environment, and again, adjacent to          22 downtown, if that -- you have to kind of understand          23 the -- the features of the campus.          24 Q. Okay. In your career with Baylor University,          25 had you ever personally been involved with an encounter</p>	<p style="text-align: right;">Page 51</p> <p>1 A. No, sir. I don't believe so.          2 Q. Okay. Have you ever used a Taser on a          3 person? I know you said you (indiscernible) issued          4 one before, but have you ever used a Taser in working          5 with the Baylor University Medical Center?          6 A. No, sir.          7 Q. How about the baton or the ASP that you          8 talked about on a member of the public discharging          9 your duties as a law enforcement officer?          10 A. I've never struck anyone. I have -- again,          11 like the firearm, I have produced it several times.          12 Q. Okay. So while you worked with Baylor          13 University Medical Center after you became a peace          14 officer and you would arrest a person, where would you          15 transport them? Where would you take them?          16 A. Well, first, as I mentioned, they would go in          17 a holding cell, and after paperwork was done, they          18 will be transferred to the Lew Sterrett Justice Center          19 in Dallas County Jail.          20 Q. Did all arrests on your campus always have to          21 stop at that first point at the holding cell, or did          22 they always or -- did they on occasion go straight to          23 the county jail?          24 A. There -- there may have been some occasions          25 on a warrant arrest where they may have gone straight</p>
<p style="text-align: right;">Page 50</p> <p>1 with a member of the public where you needed to use          2 force?          3 A. Yes, sir.          4 Q. Okay. What kind of force are we talking          5 about?          6 A. I would call it hands on. Open hand control          7 sometimes it's called. And occasionally you          8 (indiscernible) to produce a weapon, but I've never          9 fired -- never had to fire the weapon.          10 Q. Have you ever used pepper spray on a person          11 during your employment with Baylor University Medical          12 Center?          13 A. I don't think I ever personally used it. I          14 was present, but not -- I don't think I ever applied          15 it myself other than in training.          16 Q. Okay. So you haven't used it on any member          17 of the public?          18 A. Well, if you considered -- again, in          19 training, that's part of the training. You -- you          20 will be exposed to it and use it on -- on -- but it's          21 another officer.          22 Q. Okay. So have you ever used it in your past          23 as a police officer on any member of public -- excuse          24 me -- on a member of the public discharging your          25 duties as a law enforcement officer?</p>	<p style="text-align: right;">Page 52</p> <p>1 to county jail that was out of Dallas County, but the          2 majority of the time, they would go to holding cell.          3 Q. When you say they were transferred from the          4 holding cell, is that something that an officer with          5 the Baylor University Medical Center would be doing          6 the transferring, or would somebody else come and pick          7 them up from another jurisdiction?          8 A. It could be both. Generally, it was the          9 officer -- the Baylor officer that would be doing the          10 transport, but again, in some situations, it -- it          11 might be that the local agency would come and get          12 them.          13 Q. Okay. You mentioned this earlier that a lot          14 of the encounters that you've dealt with were what you          15 called social disorders. I believe you said things          16 like public intoxication; is that correct?          17 A. Yes, sir.          18 Q. All right. And public intoxication, is that          19 something that a person can be arrested for?          20 A. Yes, sir.          21 Q. Okay. Have you ever personally arrested          22 somebody for public intoxication, specifically?          23 A. Yes, sir. Early on. Yeah.          24 Q. Had you ever had somebody who you arrested          25 for public intoxication resist arrest?</p>



KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023

53-56

<p style="text-align: right;">Page 53</p> <p>1 A. No, sir, not that I would consider -- I mean,          2 uncooperative perhaps, but not resisting. No, sir.          3 Q. Have you heard of something like that as a          4 law enforcement officer? Other people in your          5 department where they had occasion to deal with          6 somebody who was public intoxicated but also resisted          7 arrest?          8 A. Well, absolutely. Yes, sir.          9 Q. Yeah. Every time you arrested somebody for          10 public intoxication, did you always know what          11 substances that person was on?          12 A. Not necessarily all substances. No, sir.          13 But alcohol was pretty discernable.          14 Q. To your knowledge, while you worked with          15 Baylor University Medical Center, had there been any          16 law enforcement-related deaths that your department          17 was directly involved with?          18 A. Meaning caused by officers of the Baylor          19 (indiscernible)?          20 Q. Yeah. The officer interacted with a member          21 of the public. However that went down, but the person          22 ended up dying?          23 A. No, sir. No deaths --          24 Q. Okay. How about shootings? Like, during          25 your time there, was there ever one of your officers</p>	<p style="text-align: right;">Page 55</p> <p>1 A. No, sir. There -- there's no provision in          2 law for our kind of vacancy to have a reserve program.          3 Q. Okay. Let me go over your education now a          4 little bit, okay? So let me see where we at here.          5 Okay. So before entering -- at least from your          6 resume, it looks like before entering the law          7 enforcement you received your associate's degree at          8 Del Mar College Corpus Christi?          9 A. Correct.          10 Q. Okay. That was in 1980. And so I can          11 understand more clearly, are the years that are down          12 here are these the years that you started or the years          13 that you got your degree?          14 A. Graduation.          15 Q. Graduation. Got it. You got your associates          16 in 1980. Okay.          17 A. Yes, sir.          18 Q. And then, if I'm reading this correctly, you          19 went back to school once you had been employed with          20 Baylor University for a while, right?          21 A. Correct.          22 Q. Okay. On this one here, where it says that          23 you went to University of Texas in Arlington, I know          24 the graduation date looks like it's 1995. When did          25 you start going back to school?</p>
<p style="text-align: right;">Page 54</p> <p>1 involved in the shooting?          2 A. Yes, sir.          3 Q. Okay. What happened with that? Do you have          4 any idea?          5 A. There were several or -- 2 or 3. One          6 involved an officer attempting to intervene in a theft          7 from a 7-Eleven, and the individual would not stop and          8 ran into the officer, throwing the officer up on the          9 hood of the vehicle, and the officer fired at the          10 individual. But there was no death associated with          11 that. Yeah. The other --          12 Q. No. That's okay. Let's keep going here. So          13 there's something I did want to ask you about. I kind          14 of forgot to circle back on. But your time with          15 Baylor University, from when you were a public service          16 officer all the way to being the Director of Public          17 Safety, were you all times in a full-time position          18 with them?          19 A. Yes, sir.          20 Q. Okay.          21 A. Talking about all of the time periods          22 (indiscernible) full-time.          23 Q. Were full-time. Okay. Thanks. You guys          24 didn't have like a reserve program there other than          25 this constable thing that you were talking about?</p>	<p style="text-align: right;">Page 56</p> <p>1 A. I think I started going part-time back to          2 school about the time I graduated from the academy,          3 and I continued to pursue -- pursue my bachelor's. So          4 that was part-time. So I'm going to guesstimate here          5 1989, right around in there, I started back part-time.          6 Q. Okay. And then, after graduating, it looks          7 like you went -- did you go straight into Texas          8 Wesleyan School of Law?          9 A. Yes, sir. I graduated during the summer of          10 '95 from UTA, and I started Texas Wesleyan School of          11 Law that same summer in 1995, about four weeks after          12 graduation from UTA.          13 Q. Okay. You were full-time in law school?          14 A. No, sir. That was a part-time four-year          15 program --          16 Q. Okay.          17 A. -- while I continued to work full-time at          18 Baylor.          19 Q. So like night school?          20 A. Predominately.          21 Q. Okay.          22 A. Not all of it, but predominantly.          23 Q. All right. And then, during this time, just          24 so I can understand, does your employer pay for the          25 schooling, or you paying for that yourself?</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 57-60

<p style="text-align: right;">Page 57</p> <p>1 A. They paid a good portion of it. I would say</p> <p>2 probably came out to 60 to 70 percent.</p> <p>3 Q. Okay. And you maintained full-time status</p> <p>4 with Baylor University Medical Center during your time</p> <p>5 going to UT Arlington and Texas Wesleyan School of</p> <p>6 Law?</p> <p>7 A. Yes, sir. It had to be full-time for the</p> <p>8 tuition assistance.</p> <p>9 Q. Mr. Howse, what law firm specifically reached</p> <p>10 out to you for your services in this case?</p> <p>11 A. Counsel Mr. Perez.</p> <p>12 Q. Has any other law firm reached out to you in</p> <p>13 this case regarding providing expert services?</p> <p>14 A. I don't believe so.</p> <p>15 Q. Have you spoken with any other attorneys</p> <p>16 regarding this case other than myself right now and</p> <p>17 other than Mr. Perez?</p> <p>18 A. No, sir.</p> <p>19 Q. What have you been asked to do in this case</p> <p>20 by the plaintiff? Specifically, what was your</p> <p>21 assignment?</p> <p>22 A. To evaluate the use of force and police</p> <p>23 procedures utilized in the arrest of Mr. Zamora and</p> <p>24 the custody -- taking him into custody.</p> <p>25 Q. So given your history of experience and the</p>	<p style="text-align: right;">Page 59</p> <p>1 what it is that you're giving opinion on here in this</p> <p>2 case, okay?</p> <p>3 A. Yes, sir. And I've done that.</p> <p>4 Q. (Indiscernible).</p> <p>5 A. I've answered the fact that I evaluated the</p> <p>6 deputy's conduct and the police officer conduct that</p> <p>7 involved and unseen locations and at the jail. But</p> <p>8 that's not necessarily jail policy, as you asked me</p> <p>9 about, and I've not commented on that.</p> <p>10 Q. Right, which is why I'm asking you a very</p> <p>11 specific question. So with respect to making an</p> <p>12 opinion on jail policies and procedures, are you</p> <p>13 holding yourself out to be an expert with respect to</p> <p>14 policies and procedures within the jail?</p> <p>15 A. I would say no with regard to policies and</p> <p>16 procedures only.</p> <p>17 Q. Okay. Thank you. Okay. So I'm not sure if</p> <p>18 you're aware of this. I don't know if it means</p> <p>19 anything to you, but I don't actually see anywhere in</p> <p>20 your report where you refer to your opinions as being</p> <p>21 an expert opinion. So I want to ask a question about</p> <p>22 that, okay?</p> <p>23 So are you stating here today that all the</p> <p>24 opinions in your report, every time you give an</p> <p>25 opinion, that this is an opinion you're giving in your</p>
<p style="text-align: right;">Page 58</p> <p>1 things that we've talked about, what specifically are</p> <p>2 you holding yourself out to be an expert of in this</p> <p>3 report?</p> <p>4 A. The use of force, police procedure, training.</p> <p>5 Q. Are you holding yourself out to be an expert</p> <p>6 in any way, shape, or form with procedures and</p> <p>7 policies regarding jails?</p> <p>8 A. Regarding policies of jails, is that your</p> <p>9 question?</p> <p>10 Q. Yes.</p> <p>11 A. No. I'm not -- I haven't addressed any or</p> <p>12 seen any policy from the Willacy County Jail.</p> <p>13 Q. That's not what I'm asking. I'm asking are</p> <p>14 you holding yourself out to be an expert in this case</p> <p>15 for purposes of making an opinion on policies and</p> <p>16 procedures with respect to jails?</p> <p>17 A. Not -- in all due respect, not with respect</p> <p>18 to jail policies, as I mentioned. However, I'm</p> <p>19 addressing conduct of the deputies who went from point</p> <p>20 A to point B point. Point B being the jail.</p> <p>21 MR. HAYWARD: Objection. Nonresponsive.</p> <p>22 BY MR. HAYWARD:</p> <p>23 Q. Okay. I appreciate that you want to give me</p> <p>24 some more full answers. But it's very important that</p> <p>25 you answer specifically, especially with regards to</p>	<p style="text-align: right;">Page 60</p> <p>1 expert capacity?</p> <p>2 A. Yes, sir. I stated in here to a reasonable</p> <p>3 degree of certainty, right in the report regarding</p> <p>4 professional standards, practices, and training.</p> <p>5 Q. Okay. Are you saying that, in your report,</p> <p>6 every time that you give an opinion, you're giving it</p> <p>7 in your expert capacity?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. In your testimony here today, are the</p> <p>10 opinions that you are given based solely on your</p> <p>11 scientific, technical, or other specialized knowledge?</p> <p>12 A. Yes, sir.</p> <p>13 Q. In your testimony here, are your opinions</p> <p>14 based on a review of sufficient facts and data?</p> <p>15 A. Well --</p> <p>16 Q. That's a long pause there.</p> <p>17 A. Yeah. I'm -- I don't want to give you</p> <p>18 another long, drawn-out answer, but the items that</p> <p>19 I've listed in the report is what I have to review.</p> <p>20 There is a significant amount of what are referred to</p> <p>21 as evidence that has not been made available yet. So</p> <p>22 as you'll notice on this report, it states it's a</p> <p>23 preliminary report based on these items I've listed.</p> <p>24 Q. Okay. And Mr. Howse, I can't really think of</p> <p>25 how to make this any more of a simple question. So</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 61-64

<p style="text-align: right;">Page 61</p> <p>1 I'm trying to ask this again, okay?</p> <p>2 Is the opinions in this report that you've made</p> <p>3 are they based on a review from you sufficient facts</p> <p>4 and data?</p> <p>5 A. Sufficient to prepare a preliminary report.</p> <p>6 Q. Okay. So is a preliminary report to you the</p> <p>7 same as an expert report?</p> <p>8 A. It's still an expert report.</p> <p>9 Q. Okay. So if it's an expert report, the</p> <p>10 opinions that you're giving in there, you'd have to</p> <p>11 agree with me your opinions would have to be based on</p> <p>12 a review of sufficient facts and data, right?</p> <p>13 A. There's sufficient facts and data to prepare</p> <p>14 a preliminary report. There is evidence, as I've</p> <p>15 stated in the report, that has not been submitted --</p> <p>16 MR. HAYWARD: Objection. Nonresponsive.</p> <p>17 BY MR. HAYWARD:</p> <p>18 Q. I mean, I think we're getting kind of lost</p> <p>19 here because this is either an expert report or it's</p> <p>20 not, right?</p> <p>21 A. It's an expert report --</p> <p>22 Q. Okay. Great. And so --</p> <p>23 A. -- based on these items that I've listed.</p> <p>24 Q. Okay. So you got an opportunity to review</p> <p>25 sufficient facts and data to make the opinions that</p>	<p style="text-align: right;">Page 63</p> <p>1 A. Yes, sir.</p> <p>2 Q. And that you have reliably applied the</p> <p>3 principles and methods to the facts of this case?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Would you agree with me that in order for you</p> <p>6 to testify as an expert, you must be qualified in the</p> <p>7 specific area that you're giving an opinion?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And that your testimony be both reliable and</p> <p>10 relevant to the lawsuit?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Would you agree with me that, as an expert,</p> <p>13 you cannot give opinions regarding matters in which</p> <p>14 you are not qualified?</p> <p>15 A. That's correct.</p> <p>16 Q. Would you agree with me that regardless of</p> <p>17 whether you have certain qualification as an expert,</p> <p>18 you cannot give opinions regarding matters in which</p> <p>19 you have no data to support your positions?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Would you agree with me that your opinions as</p> <p>22 an expert cannot be based on unsupported speculation</p> <p>23 or subjective belief?</p> <p>24 A. To apart.</p> <p>25 Q. Through apart?</p>
<p style="text-align: right;">Page 62</p> <p>1 you've made in this report; is that right?</p> <p>2 A. In this report, solely.</p> <p>3 Q. What do you mean solely?</p> <p>4 A. Meaning I reserve the right to provide a</p> <p>5 supplemental report --</p> <p>6 Q. Okay.</p> <p>7 A. -- on new evidence.</p> <p>8 Q. Okay. You'd agree with me that in order to</p> <p>9 provide a supplemental or amended report, you would</p> <p>10 need to at least have an expert report on file that</p> <p>11 meets the expert standards and requirements, right?</p> <p>12 A. Yes, sir. I've said it's an expert report</p> <p>13 several times.</p> <p>14 Q. Okay. That's why I'm asking you. So your</p> <p>15 opinion that this report satisfies the standards for</p> <p>16 an expert report; is that right?</p> <p>17 A. For a preliminary expert.</p> <p>18 MR. HAYWARD: Objection. Nonresponsive.</p> <p>19 BY MR. HAYWARD:</p> <p>20 Q. Does this report satisfy the requirements of</p> <p>21 an expert report or not?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Thank you. Okay. Is it your testimony here</p> <p>24 today that your opinions are the product of reliable</p> <p>25 principles and methods?</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Well, for instance, hypotheticals are often</p> <p>2 discussed, and so I'm not sure exactly specifically</p> <p>3 what you're asking.</p> <p>4 Q. Do you understand the difference between</p> <p>5 objective and subjective belief?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. And you know what speculation is; is</p> <p>8 that right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. So would you agree with me that your</p> <p>11 opinions as an expert cannot be based on unsupported</p> <p>12 speculation or subjective belief?</p> <p>13 A. Yes, sir. I -- I agree with that, in</p> <p>14 general, with the caveat that I mentioned earlier.</p> <p>15 Q. What caveat is that?</p> <p>16 A. Presented hypotheticals that may or may not</p> <p>17 be real.</p> <p>18 Q. Okay. So are you saying that you're allowed</p> <p>19 to give expert opinion on hypothetical that's not</p> <p>20 based on fact, that's based purely on speculation?</p> <p>21 A. I get asked hypotheticals all the time.</p> <p>22 Q. That's not what I'm asking you. Are you</p> <p>23 saying that you're able to deliver in an expert</p> <p>24 opinion in a report that's based on unsupported</p> <p>25 speculation and subjective belief?</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
65-68

<p style="text-align: right;">Page 65</p> <p>1 A. It's not unsupported. My belief is based 2 upon what I've listed here. My 46 years of 3 professional experience and training. 4 Q. Sir, it's just a general question. I haven't 5 even (indiscernible). I mean, I can't even get the 6 report yet because we're stuck on these questions. 7 This is a general question. 8 As an expert -- it doesn't matter if it's this 9 case -- as an expert would you agree with me that you 10 cannot base an expert opinion on unsupported 11 speculation or subjective belief? 12 A. Yes, sir. Generally speaking, that is 13 correct. 14 Q. Generally speaking, again. Okay. 15 A. With the exception of -- 16 MR. HAYWARD: Objection. Nonresponsive. 17 That's okay. 18 BY MR. HAYWARD: 19 Q. Would you agree with me that just having a 20 career in law enforcement does not necessarily make 21 you an expert in all things law enforcement related? 22 A. I would probably agree. 23 Q. Okay. Are you stating under oath here today 24 that you are qualified to render expert opinions in 25 this case on the use of force specific to any custody</p>	<p style="text-align: right;">Page 67</p> <p>1 A. No, sir. 2 Q. Okay. And just to be clear, this is not a 3 draft report, right? This is an actual expert report 4 that -- 5 A. (Indiscernible) it's an expert report. 6 Q. Are there any opinions in this report which 7 you want to address right now before we get into them 8 that you think may not constitute an expert opinion or 9 are incapable of meeting the requirements with respect 10 to expert opinions? 11 A. No, sir. 12 Q. And you stand by the opinions and assertions 13 that you made this report? 14 A. Yes, sir. I do. 15 Q. Okay. In the introductory paragraph here, I 16 think you mentioned that you have -- I think you 17 referenced that you rely on 46 years of professional 18 experience in the fields of public safety and law 19 enforcement? 20 A. Yes, sir. 21 Q. Okay. And just to be clear, this encompasses 22 the time that you spent in the security field as well 23 as the time that you've spent in your own private 24 practice; is that correct? 25 A. No, sir. It includes -- in that period, as a</p>
<p style="text-align: right;">Page 66</p> <p>1 jail death cases? 2 A. Yes, sir, to the extent that I have rendered 3 my opinion. 4 Q. What does that mean? 5 A. As I've mentioned before, I have not 6 discussed, proceed, or evaluated policy and procedure 7 for jails. I've evaluated officer conduct. 8 Q. Okay. So are you stating under oath here 9 today that you're qualified to render expert opinions 10 on the policy implementation as it relates to inmate 11 detention at the county jail? 12 A. No, sir. 13 Q. Are you stating under oath here today that 14 you're qualified to render expert opinions on inmate 15 classification and housing of inmates at that county 16 jail? 17 A. No, sir. 18 Q. Okay. Go ahead and -- I think you're already 19 open to the first page. I'm going just start going 20 over this document here. So I'm looking at your 21 report that's entitled preliminary report. The very 22 first page. 23 Okay. Did anyone else write or prepare portions 24 of this report or things that were later included in 25 this report?</p>	<p style="text-align: right;">Page 68</p> <p>1 young teenager, I worked with the Explorers Post with 2 the Corpus Christi Police Department while I was in 3 high school and participated in police patrols for 4 about four years -- and that would be weekends 5 basically -- and learned a great value during that 6 period before I ever had any formal education or 7 professional experience. 8 Q. Got it. So you're including your time in the 9 Explorer program or whatever that you were doing prior 10 to becoming a law enforcement officer? 11 A. Most of it. 12 Q. Okay. That's what's being included in the 13 (indiscernible) of the 46 years? 14 A. Yes, sir. It started around age 17 -- 16,17. 15 Q. Okay. Okay. So let's just look real quick 16 here where it sources and documentation. Okay. So 17 this particular list here includes some different 18 things. I'll call it that. It looks like it includes 19 some actual documents that may have information about 20 the case, and then there's a lot of references to 21 things like Penal Code, criminal procedure, 22 constitution, things like that that don't have factual 23 information about the incident. Would you agree with 24 that? 25 A. Yes, sir.</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 69-72

<p style="text-align: right;">Page 69</p> <p>1 Q. Okay. So the first one you have listed here</p> <p>2 is this Lyford incident report. I gave you the packet</p> <p>3 of information. I'm guessing it's probably in there.</p> <p>4 A. Yes, sir.</p> <p>5 Q. But if not -- why don't we do this? For your</p> <p>6 own benefit, why don't you leave that pile together,</p> <p>7 and I'm going to make a separate --</p> <p>8 A. Okay.</p> <p>9 Q. -- exhibit, okay? I think it might be a</p> <p>10 little easier. Let's see. I don't want to get you</p> <p>11 confused with everything, so --</p> <p>12 A. That's fine. I thought I had it up top --</p> <p>13 Q. -- let's just.</p> <p>14 A. -- there.</p> <p>15 Q. There you go. Just take a look at that and</p> <p>16 let me know if you've seen that before.</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. I'm going to try and go over these</p> <p>19 documents first, not in great detail. We'll come back</p> <p>20 to them when we go through the report, okay, but this</p> <p>21 is the same document that you reviewed; is that right?</p> <p>22 A. Yes, sir.</p> <p>23 Q. All right. And with respect to this, it's</p> <p>24 called the City of Lyford incident report.</p> <p>25 (Defendants' Exhibit No. 3 was marked for</p>	<p style="text-align: right;">Page 71</p> <p>1 to here in your sources and documentation?</p> <p>2 A. Yes, sir. I believe this is one of them.</p> <p>3 Q. Okay.</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. So are you able to distinguish the</p> <p>6 difference in this case between the plaintiffs and the</p> <p>7 parties that are calling themselves intervenors?</p> <p>8 A. I believe so.</p> <p>9 Q. Okay. So who is intervenor in this case?</p> <p>10 A. I believe it's Yvonne.</p> <p>11 MR. HAYWARD: (Indiscernible).</p> <p>12 MR. ERWIN: (Indiscernible).</p> <p>13 BY MR. HAYWARD:</p> <p>14 Q. I'm going to show you another document. This</p> <p>15 is Exhibit 5. I represent to you that this is called</p> <p>16 the plaintiffs' original petition.</p> <p>17 (Defendants' Exhibit No. 5 was marked for</p> <p>18 identification.)</p> <p>19 THE WITNESS: Yes, sir.</p> <p>20 BY MR. HAYWARD:</p> <p>21 Q. Okay. And the plaintiff's original petition</p> <p>22 differs in parties; is that correct? From the</p> <p>23 intervenor plea?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. And do you recognize the parties who</p>
<p style="text-align: right;">Page 70</p> <p>1 identification.)</p> <p>2 BY MR. HAYWARD:</p> <p>3 Q. Would you agree with me that this incident</p> <p>4 report did not cover all of the events as alleged in</p> <p>5 the plaintiffs' lawsuit?</p> <p>6 THE REPORTER: Did you just hand him a</p> <p>7 document?</p> <p>8 MR. HAYWARD: Yes. I did.</p> <p>9 THE REPORTER: Is that 3.</p> <p>10 MR. HAYWARD: That's Exhibit 3.</p> <p>11 THE REPORTER: Okay.</p> <p>12 MR. HAYWARD: Yes.</p> <p>13 THE REPORTER: Thank you.</p> <p>14 THE WITNESS: Yes. I would agree with that.</p> <p>15 BY MR. HAYWARD:</p> <p>16 Q. Okay.</p> <p>17 MR. HAYWARD: This is going be county</p> <p>18 defendants' Exhibit Number 4.</p> <p>19 (Defendants' Exhibit No. 4 was marked for</p> <p>20 identification.)</p> <p>21 MR. ERWIN: (Indiscernible)?</p> <p>22 MR. HAYWARD: Yes.</p> <p>23 BY MR. HAYWARD:</p> <p>24 Q. Here you go. If you could just look at that</p> <p>25 and tell me if that's the document that you referred</p>	<p style="text-align: right;">Page 72</p> <p>1 have hired or -- excuse me -- who have retained you in</p> <p>2 this case to provide expert testimony?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. Who would that be?</p> <p>5 A. Well, through counsel, Ms. Gomez.</p> <p>6 Q. Okay. And her children?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. Go ahead and leave those there. So</p> <p>9 I'm just going to ask you about this. Did you use</p> <p>10 these documents as factual information for any of your</p> <p>11 opinions or occlusions that you made in your report?</p> <p>12 A. No, not -- when you say factual, there is</p> <p>13 general reference in this incidence summary, which is</p> <p>14 again in general. Just set the stage -- the table,</p> <p>15 some of that information has come from there. Yes,</p> <p>16 sir.</p> <p>17 Q. And I'm sorry. I'm thinking this should be a</p> <p>18 pretty simple question yes or no. So if I'm not doing</p> <p>19 something right, please let me know, and I'm happy to</p> <p>20 rephrase it.</p> <p>21 But did you use any of the information in either</p> <p>22 one of these documents as factual information? As</p> <p>23 information that this -- what this says, you know</p> <p>24 that's the truth in --</p> <p>25 A. (Indiscernible).</p>



KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 73-76

<p style="text-align: right;">Page 73</p> <p>1 Q. -- forming your opinion?</p> <p>2 A. No, sir.</p> <p>3 Q. Okay. You didn't use any of that as factual</p> <p>4 information in forming your opinion?</p> <p>5 A. On the assumption that it's the truth, no,</p> <p>6 sir.</p> <p>7 Q. Okay. Thank you. If you want, you</p> <p>8 can -- actually, can you hand those back to me? I'm</p> <p>9 going to show you some of the documents. I don't want</p> <p>10 get myself confused.</p> <p>11 MR. HAYWARD: This is going to be county</p> <p>12 defendants Exhibit Number 6. It's a final autopsy</p> <p>13 report.</p> <p>14 (Defendants' Exhibit No. 6 was marked for</p> <p>15 identification.)</p> <p>16 BY MR. HAYWARD:</p> <p>17 Q. Can you take a look at that, please?</p> <p>18 A. (Indiscernible).</p> <p>19 Q. Just let me know if that's the document that</p> <p>20 you're referencing in your report.</p> <p>21 A. Yes, sir. I believe it is.</p> <p>22 Q. Okay. Regarding the final autopsy report,</p> <p>23 okay, did you use any of this information as a factual</p> <p>24 basis for your opinions and conclusions in this case?</p> <p>25 A. Yes, sir. I did cite this information. Yes,</p>	<p style="text-align: right;">Page 75</p> <p>1 A. Yes, sir, it is.</p> <p>2 Q. Okay. The same question with respect to the</p> <p>3 toxicology. Did you use the information in this</p> <p>4 report as facts in coming to your opinions and</p> <p>5 conclusions in your expert report?</p> <p>6 A. Yes, sir.</p> <p>7 Q. So would you also say that the information in</p> <p>8 this report is reliable, as you also stated -- just</p> <p>9 like you stated in your testimony regarding the final</p> <p>10 autopsy report?</p> <p>11 A. I have no reason to believe it's not</p> <p>12 reliable.</p> <p>13 Q. Okay. Is it reliable?</p> <p>14 A. I -- I believe so.</p> <p>15 Q. Okay. Thank you. I can take those back.</p> <p>16 Thanks.</p> <p>17 MR. ERWIN: (Indiscernible).</p> <p>18 MR. HAYWARD: No. This is --</p> <p>19 MR. ERWIN: Statements.</p> <p>20 MR. HAYWARD: Well, actually, hold on a</p> <p>21 second. Now that you say -- thank you. I didn't see</p> <p>22 anything there.</p> <p>23 MR. ERWIN: The stickers are over there.</p> <p>24 MR. HAYWARD: Yeah. That's probably easier</p> <p>25 (indiscernible). Can I use your marker real quick?</p>
<p style="text-align: right;">Page 74</p> <p>1 sir.</p> <p>2 Q. Okay. So you used information in there as</p> <p>3 facts for which you formulated your opinions and</p> <p>4 conclusions in your report?</p> <p>5 A. I considered the information reliable and</p> <p>6 factual based (indiscernible) the official report.</p> <p>7 Q. Fantastic. And that's kind of what I'm</p> <p>8 trying to just make sure I'm understanding here. So</p> <p>9 would you agree with me there's clearly a difference</p> <p>10 between the documents that you just reviewed, which is</p> <p>11 the lawsuit that was filed by the intervener and the</p> <p>12 plaintiffs, and the final autopsy report?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. As in, you look at this autopsy</p> <p>15 report, and you have accepted that as being reliable</p> <p>16 information?</p> <p>17 A. I have. Yes, sir.</p> <p>18 Q. Okay. I'm going to show you another exhibit.</p> <p>19 This is county defendant's Exhibit Number 7.</p> <p>20 (Defendants' Exhibit No. 7 was marked for</p> <p>21 identification.)</p> <p>22 BY MR. HAYWARD:</p> <p>23 Q. If you could take a look at this and tell me</p> <p>24 if this is a document that you referred to in your</p> <p>25 report?</p>	<p style="text-align: right;">Page 76</p> <p>1 THE REPORTER: I think you still have it.</p> <p>2 MR. HAYWARD: Do I?</p> <p>3 THE REPORTER: Yes. Somewhere.</p> <p>4 MR. HAYWARD: That's okay. That's okay.</p> <p>5 Okay.</p> <p>6 BY MR. HAYWARD:</p> <p>7 Q. Okay. I'm going to show you a document and</p> <p>8 say it is defense Exhibit 8.</p> <p>9 (Defendants' Exhibit No. 8 was marked for</p> <p>10 identification.)</p> <p>11 BY MR. HAYWARD:</p> <p>12 Q. Do you recognize this as the document you</p> <p>13 have listed here in your report as an expert report</p> <p>14 prepared by David Turbay?</p> <p>15 A. Yes, sir. I do.</p> <p>16 Q. Okay. Did you use any of the information in</p> <p>17 this report as the factual basis for providing your</p> <p>18 opinions or conclusions in your report?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. Do you put this report on the same</p> <p>21 level, as far as reliability, as the final autopsy</p> <p>22 report and toxicology report?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. And I'm not asking you to change your</p> <p>25 mind. I'm just going to ask you a follow-up question.</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 77-80

<p style="text-align: right;">Page 77</p> <p>1 Even though that this report was provided by another          2 retained expert in this case, and it gives opinions          3 regarding that experts viewpoint on the autopsy and          4 toxicology reports?          5 A. The -- all I can do is address -- address the          6 credibility of the report. It looks to be a credible          7 report with appropriate certifications. I find it to          8 be something that I would rely upon.          9 Q. Okay. Would you rely upon it in the same          10 exact way that you did for the autopsy report and          11 toxicology report, even though it is prepared by          12 another retained expert in this case?          13 A. For my purposes, yes. I understand the other          14 reports, I believe, might be official governmental          15 reports, and this is a private record, but I have          16 relied upon it as well.          17 Q. Okay. Can I have that back, please? Thanks.          18 And again, just to clear up any confusion. Do          19 you take this as being just as reliable as the autopsy          20 report and toxicology report, or is it maybe a          21 (indiscernible) slightly lesser degree?          22 A. I would consider it the same. Of course, I'm          23 not a medical expert, so I have to rely upon their          24 specialties.          25 Q. Okay. I'm going to show you what I have</p>	<p style="text-align: right;">Page 79</p> <p>1 A. It was provided by counsel.          2 Q. Okay. I noticed that the document itself          3 looks like it's -- well, I'm sorry -- scratch that.          4 Can you please take a look at the one that's          5 titled first witness statements (indiscernible)          6 exhibit --          7 A. Yes, sir.          8 Q. Okay. Top left corner, it looks like there's          9 a staple. It looks like it's been a Xerox. It's a          10 Xerox sheet of some kind. Did it come to you looking          11 like that, or is that a result of you copying it at          12 your office?          13 A. No, sir. It's not a result of me copying it.          14 I can tell you that. I don't recall specifically          15 noticing that when I reviewed it, but I did not make a          16 copy.          17 Q. Okay. So did you get both Exhibits 9 and 10          18 from counsel?          19 A. Yes, sir.          20 Q. Okay. And was there any other information          21 provided to you regarding these two alleged witness          22 statements, or did they just or -- or did counsel just          23 give you these and ask you to look at them?          24 A. Yes, sir. It was just part of the case          25 materials.</p>
<p style="text-align: right;">Page 78</p> <p>1 marked as exhibits or -- excuse me -- I'm going to          2 show you what I have marked as county Exhibit Number          3 9.          4 (Defendants' Exhibit No. 9 was marked for          5 identification.)          6 THE WITNESS: Yes, sir.          7 BY MR. HAYWARD:          8 Q. Okay. Is this the document that you have          9 referred to in your report as witness statement of          10 Robert Reyes?          11 A. Yes, sir.          12 Q. Okay. I'm also going to show you what's          13 marked as county Exhibit Number 10.          14 (Defendants' Exhibit No. 10 was marked for          15 identification.)          16 BY MR. HAYWARD:          17 Q. Is this document what you have referred to in          18 your report as a witness statement of Fidel, and in          19 parentheses (last name not listed)?          20 A. Yes, sir.          21 Q. Now, before I asked you the questions that          22 I've been asking you regarding these, I'm hoping you          23 can kind of help me with something here. So looking          24 at these statements, how did you acquire this          25 information?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Okay. Did you do any other independent          2 investigation as far as trying to determine the          3 veracity or the authenticity of these statements?          4 A. No, sir.          5 Q. Okay. Well, I'm just going to keep asking          6 you a couple more questions on this. So we have at          7 the very top, it says first witness statements, Robert          8 Reyes trustee and (indiscernible). So have you ever          9 met with Robert Reyes before, talked to him on the          10 phone, corresponded with him via email or mail?          11 A. No, sir.          12 Q. Okay. How about this individual that says          13 his name is Chris? There's no last name provided.          14 Did you ever talked with this particular individual,          15 Chris? Had you ever corresponded with them telephone,          16 email, other methods?          17 A. No, sir.          18 Q. Okay. Mr. Howse, what's, if anything, is the          19 significance of these witnesses statements and          20 including them in your report?          21 A. It was information included with the case          22 file, and they were witnesses, according to the          23 report. And I've cited such in my report, and I've          24 stated, you know, if true, my opinion.          25 Q. Right. So you're taking the position that</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORDJuly 25, 2023  
81-84

<p style="text-align: right;">Page 81</p> <p>1 these are, in fact, witness statements?</p> <p>2 A. The -- I think that's self-describing in the</p> <p>3 content. They are citing what they viewed.</p> <p>4 Q. I mean, are they, though? This is a</p> <p>5 conversation between two people that you've never</p> <p>6 talked to before, and you have no idea where this</p> <p>7 information came from?</p> <p>8 A. Witness statements do not necessarily have to</p> <p>9 be -- we received witness statements on all kinds of</p> <p>10 crimes and part of case files that, you know, you may</p> <p>11 not talk to all of them. That's --</p> <p>12 Q. Okay. So not knowing where this information</p> <p>13 came in, or how's information came in, you would say</p> <p>14 what that this information is reliable for purposes of</p> <p>15 making your expert report?</p> <p>16 MR. PEREZ: Objection. Form.</p> <p>17 THE WITNESS: I can't assess credibility. As</p> <p>18 an expert, I can't weigh one piece of that another</p> <p>19 or -- or give this more credibility than that, but it</p> <p>20 is what it is -- what it states it is.</p> <p>21 BY MR. HAYWARD:</p> <p>22 Q. Mr. Howse, as an expert, and I'm just</p> <p>23 speaking generally, somebody contacts you and asks you</p> <p>24 to do an assignment for them and gives you</p> <p>25 information. I mean, if you don't get enough</p>	<p style="text-align: right;">Page 83</p> <p>1 starts out, just saying, somebody named Robert just</p> <p>2 starts talking. "They had already pepper sprayed him</p> <p>3 in here in county. They were laughing at how they</p> <p>4 sprayed him and everything." So information like that</p> <p>5 just typically comes out of the blue. No, hello, how</p> <p>6 are you doing, what's your name, anything like that?</p> <p>7 A. No, sir. I'm not concerned with the format.</p> <p>8 I'm concerned that the fact that it -- it appears to</p> <p>9 be a transcribed witness statement.</p> <p>10 Q. Okay. Let's talk about that. Who</p> <p>11 transcribed it?</p> <p>12 A. I don't know, sir.</p> <p>13 Q. So how do you know it was transcribed witness</p> <p>14 statement?</p> <p>15 A. By the nature of it. It appears to be</p> <p>16 a -- perhaps a phone call.</p> <p>17 Q. Right. But you don't know that for sure, do</p> <p>18 you?</p> <p>19 A. No. I don't know that for sure.</p> <p>20 Q. Okay.</p> <p>21 A. I'm only looking at the facts of the</p> <p>22 statement and whether that aligns with the other</p> <p>23 things we do know for sure.</p> <p>24 Q. Right. And we'll get into that in a minute.</p> <p>25 But I guess my question is being answered here.</p>
<p style="text-align: right;">Page 82</p> <p>1 information, do you call them back up and tell them,</p> <p>2 hey, I don't have enough information can you give me</p> <p>3 more? I mean, is there a conversation that can happen</p> <p>4 with respect to that?</p> <p>5 A. Yes, sir. There is, and you'll see that I</p> <p>6 note that in the report.</p> <p>7 Q. Okay. But for purposes of what you're</p> <p>8 calling witness statements, these witness statements</p> <p>9 you did no follow-up whatsoever to confirm the</p> <p>10 statements, to confirm what actually happened in the</p> <p>11 statements, nothing like that?</p> <p>12 A. I've been advised that this is also a</p> <p>13 criminal matter and that documents and video have not</p> <p>14 been released. So it would not make any sense to try</p> <p>15 to obtain anything that has a hold on.</p> <p>16 MR. HAYWARD: Objection. Nonresponsive.</p> <p>17 BY MR. HAYWARD:</p> <p>18 Q. Okay. Well, at least with respect to this</p> <p>19 first witness statement -- I mean, I'm looking at the</p> <p>20 top of it -- would you at least agree with me that it</p> <p>21 looks like there's a part of this conversation that's</p> <p>22 missing?</p> <p>23 A. I don't know that. No, sir.</p> <p>24 Q. You don't. So somebody that's been doing</p> <p>25 this type of work for as long as you have where it</p>	<p style="text-align: right;">Page 84</p> <p>1 You're just accepting whatever's in here as the truth.</p> <p>2 Is that what you're saying?</p> <p>3 A. No, sir. I didn't say that at all.</p> <p>4 Q. Okay. But it doesn't concern you that</p> <p>5 there's clearly pieces of information here -- even if</p> <p>6 this was a witness statement that's not included here,</p> <p>7 that doesn't concern you?</p> <p>8 A. I don't know that, sir. I evaluated what was</p> <p>9 provided to me and notated that in my report and also</p> <p>10 cautioned the fact that these were not sworn</p> <p>11 statements -- sworn witness statements, for instance.</p> <p>12 Q. Well, and I guess that's kind of my -- that's</p> <p>13 kind of my concern here is because you thought enough</p> <p>14 in your report to state that they were unsworn</p> <p>15 statements, which means, at least to me, it would</p> <p>16 appear that you did take into consideration the</p> <p>17 authenticity of these things; am I correct?</p> <p>18 A. Not the authenticity, just the format of the</p> <p>19 statement. It appeared to be telephone-type call.</p> <p>20 And, again, the -- the documents that I would</p> <p>21 typically expect to see are apparently under seal.</p> <p>22 Q. So whether or not a document is</p> <p>23 sworn -- excuse me -- whether or not testimony is</p> <p>24 sworn or not, that's just the format issue to you.</p> <p>25 That doesn't mean anything else? That doesn't</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORDJuly 25, 2023  
85-88

<p style="text-align: right;">Page 85</p> <p>1 (indiscernible) itself to credibility or liability, 2 unreliability? 3 A. Again, I -- I evaluate the evidence as 4 presented. I cannot assign and say witness A is more 5 credible than the witness B. That's for the trier of 6 fact. I can review what is submitted to me and 7 include that with the caveats that I did. 8 Q. See, that's kind of confusing to me because, 9 in your report, you are assessing -- you're making an 10 opinion as to fault as to people doing something they 11 should or shouldn't have done. Okay. And it appears 12 that you were relying on the information that's in 13 these statements to do that; is that true? 14 A. I think I would use the term supporting. My 15 opinion is not based -- you could take these out 16 totally, and my opinion would be the same. 17 Q. Really? Yes? 18 A. Yes, sir. 19 Q. Okay. So for purposes of your report, 20 wherever (indiscernible) you've mentioned the 21 information that comes from these witness statements, 22 I can subtract that, and your report should stand on 23 its own; is that right? 24 A. My opinions are based on the items listed in 25 the report. It does include this. It is supporting</p>	<p style="text-align: right;">Page 87</p> <p>1 statement from you? 2 A. Yes, sir. I think -- 3 Q. Okay. 4 A. -- that -- that is true, but again, as I 5 said, having already relied upon them, it was included 6 in my report. 7 Q. Okay. Just to be clear, too. I mean, 8 looking through this as well. This first witness 9 statement, he says -- and again, I don't even know 10 who's talking here, so it's really -- I don't know who 11 these people are -- I don't even though if this 12 actually happened -- but there's something -- it says 13 in here -- and I'll rephrase. 14 Does it say in here -- does he ask the guy, hey, 15 what are you in there for? What are your charges, if 16 you don't mind sharing? What does he say? 17 A. I'm sorry, sir. Where are you at? 18 Q. Sure. I'm on this third page of this first 19 witness statement. 20 A. Okay. 21 Q. You read this, right? 22 A. Yes, sir. But I didn't -- 23 Q. Okay. 24 A. -- read it today. 25 Q. Okay. He says, all right -- Chris says, "All</p>
<p style="text-align: right;">Page 86</p> <p>1 documentation. I did not rely on these documents to 2 reach my opinion. 3 Q. Okay. Perfect. That's what I'm trying to 4 figure out. Okay. So like I said, every time I read 5 your report where you make an opinion, and/or you 6 reference information that's in these statements, I 7 can subtract those out, and your expert report should 8 stand without that information, right? 9 A. Yes, sir. It -- it should stand in the sense 10 of once I've relied on it, I've relied on it. It's 11 already -- I've already committed to it. You could 12 remove it right now, but I still relied upon in -- in 13 my report. I'm saying there's other evidence -- other 14 substantial evidence beyond just these statements. 15 Q. Okay. 16 MR. HAYWARD: Objection. Nonresponsive. 17 BY MR. HAYWARD: 18 Q. I'm following up with a statement that you 19 made. Okay. You're the one that offered this 20 information. You said you could take these statements 21 out, you know, I don't need them to reach the opinions 22 that I've made. You said that, right? 23 A. Yes. 24 Q. Okay. So that's correct. I can rely on that 25 information from you, right? I can rely on that</p>	<p style="text-align: right;">Page 88</p> <p>1 right, man. I don't know what you in there for. What 2 are your charges if you don't mind sharing?" Robert, 3 who's the alleged witness, he says, "Sexual assault of 4 a minor. I got eight charges like that." Do you see 5 that? 6 A. Yes, sir. 7 Q. Okay. Did that have any impacts whatsoever 8 on assessing credibility of the information in here? 9 A. None whatsoever. 10 Q. None whatsoever? 11 A. No, sir. 12 Q. Okay. So these statements in here that are 13 unauthenticated, unverified, unsworn, is this the same 14 as somebody who's swearing under oath and somebody 15 who's not in jail with eight charges of sexual assault 16 of a minor? 17 A. Yes, sir. A common witness to a accident or 18 a crime may have a criminal history. That's not 19 relevant to that particular incident. 20 Q. Even as a police officer for as long as you 21 have been, that doesn't mean anything to you in 22 assessing credibility of somebody telling you 23 something? 24 A. I -- I'm not working this case as a police 25 officer in conducting an investigation. I'm reviewing</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 89-92

<p style="text-align: right;">Page 89</p> <p>1 information that has been obtained, and as I've said,          2 I cannot assess that one --          3 Q. Okay.          4 A. -- person is more credible than the other. I          5 can only base it on the information I've received.          6 Q. Would you at least agree with me that you          7 made no assessment regarding credibility or          8 reliability with respect to these witness statements?          9 A. I think that's correct. I simply reviewed          10 the witness statements.          11 Q. Okay. I'm good with that. That's fine.          12 Okay. So let's move on to this next one here. Let's          13 see. Where did I leave off?          14 THE REPORTER: (Indiscernible) you're on 11.          15 MR. HAYWARD: I'm on 11?          16 THE REPORTER: Correct.          17 MR. HAYWARD: Okay. Thanks.          18 BY MR. HAYWARD:          19 Q. I can take this back now. Thanks. Take a          20 look at that please. This is marked as county          21 defendant's Exhibit Number 11. Appears to be a          22 newspaper article?          23 (Defendants' Exhibit No. 11 was marked for          24 identification.)          25 THE WITNESS: Yes, sir.</p>	<p style="text-align: right;">Page 91</p> <p>1 But so the references from the Texas Penal Code all          2 the way down to the United States Constitution, these          3 are not really things that you relied upon. These are          4 just things that you said that you just include in          5 your report?          6 A. Well, with the exception of the United States          7 Constitution. I do specifically cite some Fourth and          8 First Amendment issues.          9 Q. You cited First Amendment issues in here?          10 A. Yes, sir.          11 Q. Okay. And specifically about what or just          12 (indiscernible) on that so I can take a look at them.          13 A. With regard to --          14 Q. I wasn't aware this was a First Amendment          15 case, but where are you?          16 A. That would be regarding page -- page          17 9 -- let's see, that's -- yeah -- page 9 is where that          18 starts. The first major paragraph there.          19 Q. Okay. Is this a particular charge that          20 exists in this case? Is somebody making an          21 allegation --          22 A. I believe that's -- again, that's involving          23 Yvonne Zamora --          24 Q. And just --          25 A. -- and her --</p>
<p style="text-align: right;">Page 90</p> <p>1 BY MR. HAYWARD:          2 Q. What's the significance of including this          3 document as a reference item in your report?          4 A. Simply that I -- I did reference or did view          5 the item. So therefore, anything that I typically          6 view or read, I will include just to -- in the          7 interest of transparency.          8 Q. Okay. So is it your testimony here today          9 that none of the opinions that you've made in your          10 report are based on any of the information that's in          11 this newspaper article?          12 A. Yes, sir. That's correct.          13 Q. Okay. I'll take that back. Thanks. You          14 reference a lot of statutes here. The Texas Penal          15 Code, you know, can you tell me at least -- you don't          16 have to give me the number, but what are you referring          17 to in the Penal Code?          18 A. The reference is to Penal Code criminal          19 procedure of constitutions of U.S. and Texas. Those          20 are just standard references that I've put in the          21 report because I may, from time to time, refer to          22 something in the report. I don't believe I actually          23 cite a specific statute in the report, however.          24 Q. Okay. So that actually would help me a great          25 deal because that way, we can move on to the report.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. -- just to go back, though, we talked about          2 this earlier, but you're not acting as an expert in          3 this case for the intervener, Yvonne Zamora; is that          4 right?          5 A. I'm acting as an expert on the officer's          6 conduct, which involved both her and Mr. Zamora.          7 Q. Okay. But as we stated before, they are two          8 separate parties in this case, and we've said as much.          9 There's an intervener, and there's a group of          10 plaintiffs, and you're retained by the plaintiffs?          11 A. Correct.          12 Q. Okay. So is there something else I need to          13 know about? Have you had communications with the          14 intervenors?          15 A. No, sir.          16 Q. Okay. And again, so with regard to my first          17 question about the First Amendment, is this a charge          18 that you were asked to investigate in this case, or          19 did you just put this information here? Did you come          20 up with this yourself?          21 A. I was asked to investigate the officer's          22 conduct and policy and procedure, and so it was          23 evaluated in that sense.          24 Q. What's your understanding of what kind of          25 case this is? Would you classify this -- are you</p>



KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 93-96

<p style="text-align: right;">Page 93</p> <p>1 being asked to give an opinion on alleged excessive          2 force?          3 A. That's part of it.          4 Q. Okay. So have you been asked to give an          5 expert opinion on whether or not there's a violation          6 of the First Amendment?          7 A. Not specifically. No, sir. I -- at the          8 beginning of the report, states in the scope of what I          9 did and what I was asked.          10 Q. Are you aware of there being any First          11 Amendment allegations anywhere in the pleadings that          12 you reviewed?          13 A. Whether there is or -- well, yes, I believe          14 there was an assertion by plaintiff, Yvonne Zamora,          15 about her cell phone being confiscated.          16 Q. Okay. And she specifically said in there          17 that it was violation of her First Amendment Right?          18 A. I don't recall.          19 Q. Okay.          20 A. I just know that it is --          21 Q. (Indiscernible).          22 A. -- as far as --          23 Q. And then are you giving that opinion as an          24 attorney or --          25 A. No.</p>	<p style="text-align: right;">Page 95</p> <p>1 with their duties. That that's how peace officers are          2 trained. And in fact, there is some codification to          3 that now in Texas, but I'm just addressing the          4 training of officers.          5 Q. Objection. Nonresponsive. Okay. So you          6 mentioned something in here, again, under some of          7 these documents. You said, "Texas mission of law          8 enforcement course 3847." What was course 3847?          9 A. I believe that is excited delirium or crisis          10 intervention, one of the two. They kind of overlap.          11 But I believe that's the excited delirium.          12 Q. Is it the excited delirium or is the other          13 one?          14 A. I believe it's the excited delirium.          15 Q. Okay. Do you have a copy of this course?          16 A. No, sir. The -- when I prepared your          17 materials here yesterday, the TCOLE (ph) website that          18 depends all that was down and haven't been able to          19 obtain a printout, but certainly happy to do so.          20 Q. Okay. So you don't have a copy of the --          21 A. Yes, sir.          22 Q. All right. How about the Texas Commission on          23 Law Enforcement Use of Force lesson plan and immediate          24 course?          25 A. Yes, sir. I sent an issue.</p>
<p style="text-align: right;">Page 94</p> <p>1 Q. -- as an expert in law enforcement?          2 A. No. In violation of how law enforcement          3 officers are trained. That they need a warrant to          4 seize a cell phone. That's not a legal opinion.          5 That's how officers are trained.          6 Q. Okay. So not having a warrant to seize a          7 cell phone that's a First Amendment violation?          8 A. Well, it's -- it's both. It's Fourth, I          9 would say, and first, but again, that's a legal          10 opinion that -- for the trier of fact.          11 Q. Right. So whether or not there's a First          12 Amendment violation here, it's a legal opinion, right?          13 It's a legal conclusion?          14 A. All of this is -- is subject to the to the          15 trial effect. I've been asked to provide my opinion          16 based on my professional training and experience, and          17 I can tell you that peace officers, how they are          18 trained in those kinds of situations and what is          19 proper and not procedural wise. It's not addressing          20 the legal issue.          21 Q. Okay. But you asserting that there's a first          22 amendment violation is a legal conclusion; is it not?          23 A. No, sir. I'm asserting that peace officers          24 receive training, that the public may record them as          25 long as they're not, you know, physically interfering</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Okay. All right. All right. Then now, we          2 have this -- actually, I think it's in your          3 document's. That's okay. I've already -- I've          4 already labeled that packet as an exhibit.          5 This -- this Harris County office policy, 5/14 excited          6 delirium.          7 A. Yes, sir.          8 Q. Okay. Why was this document included?          9 A. Well, I listed it, again, as supporting          10 documentation to explain how peace officers are          11 trained. Policy and procedure and -- and this          12 (indiscernible) shows embodiment of course as part of          13 it. And Harris County is the largest service          14 department in Texas. It's just a good resource.          15 Q. Okay. But you're not taking the position          16 that this particular policy is or has to be accepted          17 by all county sheriff departments, are you?          18 A. I am stating that the Harris County policy is          19 representative of the training that officers are          20 provided and the policies that should exist. But as          21 I've mentioned those policies haven't been provided.          22 Q. Okay. Are you saying that the Harris County          23 Sheriff's Office policy that you've brought for us          24 here is or has to be accepted by every department?          25 A. No, sir. I know of no requirement that would</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORDJuly 25, 2023  
97-100

<p style="text-align: right;">Page 97</p> <p>1 require that.</p> <p>2 Q. Yeah, yes or no is fine. I appreciate it.</p> <p>3 Okay. On this next one, you say law enforcement code</p> <p>4 of ethics. Okay. Why is this included in here?</p> <p>5 A. I decided in -- again, in the report what I</p> <p>6 believe to be some deviances from the law enforcement</p> <p>7 code of ethics that's part of -- all peace officers</p> <p>8 receive that training in the academy. They -- and</p> <p>9 most departments have a doctorate, a Texas Commission</p> <p>10 on Law Enforcement who license these officers and has</p> <p>11 a doctorate as well as a guidance for officers.</p> <p>12 Q. Okay. So -- all right. Working our way down</p> <p>13 now, we've got this incident summary, okay? And what</p> <p>14 I'm going to do here, because I've already read it.</p> <p>15 I'm assuming, hopefully, you've already looked it</p> <p>16 over. But I'd like for you to take a minute and just</p> <p>17 look over this section real quick, okay? Just the</p> <p>18 section that says incident summary.</p> <p>19 A. Yes, sir.</p> <p>20 Q. And just look up when you're ready to talk</p> <p>21 about it, please.</p> <p>22 MR. HAYWARD: You good?</p> <p>23 UNIDENTIFIED VOICE: Keep going.</p> <p>24 MR. HAYWARD: All right.</p> <p>25 THE WITNESS: Yes, sir.</p>	<p style="text-align: right;">Page 99</p> <p>1 That's why I gave you the Lyford report. If it's not</p> <p>2 true, let me know and I'll -- we'll go line by line.</p> <p>3 That's fine.</p> <p>4 A. It's absolutely not a cut and paste.</p> <p>5 Q. Okay. All right. No problem.</p> <p>6 A. The details, they certainly are all specific</p> <p>7 from -- from the report.</p> <p>8 Q. Okay. So with regard to the -- let me ask</p> <p>9 this a different way. With the exception of the last</p> <p>10 paragraph which is footnoted, the one that you pointed</p> <p>11 out, are these other paragraphs, is this information</p> <p>12 coming solely from the City of Lyford incident report?</p> <p>13 I assure you, it's not a trick question. It looks</p> <p>14 like it's coming from the incident report to me, but</p> <p>15 if there's something in there, look at it, it's not,</p> <p>16 let me know.</p> <p>17 A. Yes, sir. I think, like you said, that last</p> <p>18 part excepted, off the top of my head, I'd say the</p> <p>19 primary source was the incident report because that's</p> <p>20 about the only source I have.</p> <p>21 Q. Okay. Thank you. I'm just -- like I said,</p> <p>22 I'm just trying to get a baseline for the information.</p> <p>23 Okay. So with that being said, looking at this last</p> <p>24 paragraph here, under incident summaries. So now,</p> <p>25 let's -- now, let's read this paragraph together,</p>
<p style="text-align: right;">Page 98</p> <p>1 BY MR. HAYWARD:</p> <p>2 Q. Okay. I'm going to hand you back Exhibit 3</p> <p>3 here, okay? And I'll just represent to you that this</p> <p>4 is the City of Lyford incident report.</p> <p>5 A. Okay.</p> <p>6 Q. All right. So is all the information in this</p> <p>7 incident summary with the exception of the last</p> <p>8 paragraph of this section, is all that information</p> <p>9 coming from the City of Lyford incident report?</p> <p>10 A. No, sir. Not all of it.</p> <p>11 Q. Okay. What parts are not coming from that</p> <p>12 incident report?</p> <p>13 A. Well, I state in the footnote there, at the</p> <p>14 bottom of page four, that this is just to provide a</p> <p>15 general understanding of the incident and that it's</p> <p>16 based upon the incident reports and witness</p> <p>17 statements.</p> <p>18 Q. Okay. Did you read the -- I -- I -- I can</p> <p>19 give you a little more time to read it if you want,</p> <p>20 but I'm -- I mean, I'm happy to go through this line</p> <p>21 by line with you. I'm certainly not trying to trick</p> <p>22 you, but it does appear that all of these paragraphs</p> <p>23 with the exception of the very last paragraph under</p> <p>24 this incident summary is, for lack of better words, a</p> <p>25 copy, paste of the incident report from Lyford.</p>	<p style="text-align: right;">Page 100</p> <p>1 okay?</p> <p>2 A. Yes, sir.</p> <p>3 Q. All right. It says, "Upon arrival at the</p> <p>4 Willacy County Jail (ph), a witness, Robert Reyes, a</p> <p>5 jail inmate trustee, observed Mr. Zamora to be in</p> <p>6 medical distress after being pepper sprayed." Is that</p> <p>7 sentence -- is the information in that sentence coming</p> <p>8 directly from the witness statements that we went</p> <p>9 over?</p> <p>10 A. Yes, sir. I believe it is.</p> <p>11 Q. Okay. Then it says, "The witness also stated</p> <p>12 he observed deputies laughing about having pepper</p> <p>13 sprayed Mr. Zamora. Mr. Reyes then observed jail</p> <p>14 personnel were administering CPR to Mr. Zamora and</p> <p>15 that he was naked. The witness reported that he</p> <p>16 believed Mr. Zamora was deceased but then an ambulance</p> <p>17 arrived, and continued CPR, and transported Mr. Zamora</p> <p>18 to a hospital where he was pronounced deceased." Is</p> <p>19 all of the information that I just read coming solely</p> <p>20 from the witness statements?</p> <p>21 A. Let me just check one thing here.</p> <p>22 Q. Take your time. Here. Let me do this. Here</p> <p>23 is Exhibits 9 and 10. These are the witness</p> <p>24 statements.</p> <p>25 A. Yes, it is, except, I will say, in the Lyford</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
101-104

<p style="text-align: right;">Page 101</p> <p>1 report, Officer Garcia does state that the deputies 2 were taking Mr. Zamora to the county jail, but does 3 not state anything other than that. And so there's 4 a -- just a little slight reliance upon the fact that 5 that's where they were going. 6 Q. Okay. But I -- I don't see anything in this 7 paragraph talking about transporting somebody to jail. 8 I mean, I -- we can be as hyper-technical about this 9 if you want. I'm just trying to -- it appears that 10 this last paragraph and the information comes solely 11 from your witness statement. 12 A. Well, I discuss that later in the report, 13 so -- but the -- 14 MR. HAYWARD: Okay. 15 THE WITNESS: this is just your general 16 summary, a general incident summary that you have to 17 agree to -- you know, for the case. It's not intended 18 to list every fact. 19 BY MR. HAYWARD: 20 Q. Got it. I didn't ask you that, sir. Do you 21 understand that? We're going line through line 22 through your report and what's going to determine if I 23 have to go through sentence by sentence is 24 cooperation, okay? So if I'm asking you a question 25 that's not making sense to you or you need me to</p>	<p style="text-align: right;">Page 103</p> <p>1 their actions training supervision or policies, 2 procedures were consistent with professional standards 3 and generally accepted practices of the law 4 enforcement profession." Do you feel that you've 5 reviewed sufficient facts and data to be able to 6 deliver an opinion as to that statement? Just the 7 information that you have in that statement. 8 A. To prepare a preliminary report, yes, sir. 9 Q. All right. Preliminary report. Okay. Do 10 you believe that this report gives -- or excuse me. 11 Scratch that. Do you believe that you've reviewed 12 sufficient data and facts to make a determination and 13 as to the differences, if any, that occurred with the 14 law enforcement involvement between the City of Lyford 15 and the Willacy County Sheriff's Department? 16 A. Differences? 17 Q. Yes. 18 A. That's what you're asking? Differences with 19 regard to the officer's conduct? Is that the 20 question? 21 Q. That's -- that's what you're opining on. 22 A. Well, I -- I do separate Officer Garcia from 23 the deputies with regard to their conduct, but much of 24 the conduct appeared to be similar in nature from my 25 concern.</p>
<p style="text-align: right;">Page 102</p> <p>1 rephrase, you know, please let me know, okay? Because 2 this -- I haven't even gotten to your opinions yet and 3 we're starting on this last paragraph, and all I'm 4 trying to ask you is, is the information in this last 5 paragraph of the incident summary coming solely from 6 the witness statements? 7 A. And I answered no because there's a piece 8 coming from the City of Lyford report that implicates 9 the county jail. 10 Q. Okay. 11 A. So I think I've answered your question, 12 Counsel. 13 Q. Other -- okay, fine. Other than the City of 14 Lyford incident report and the witness statements, is 15 there anything else that you pulled from for this 16 paragraph? 17 A. No, sir. Not off the top of my head. I 18 believe it's primarily, again, from the lack of the 19 incident report. 20 Q. Okay. Jumping down to scope of review, it 21 says, "The scope of nature of this report is to 22 provide an independent evaluation of the conduct of 23 Officer Garcia, Deputy Vargas, Deputy Silva and Deputy 24 Revus (ph) as well as the Lyford Police Department and 25 Willacy County Sherri's office to determine whether</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Okay. Okay. And just -- and just for 2 purposes of clarity, at the bottom of page four here, 3 you -- there's a bunch of block quotes -- or excuse 4 me. There's a block quote that starts at the bottom 5 of page four, goes to the next page, goes all the way 6 through to the end of that page. This isn't an 7 opinion, right? This is you signing or providing 8 information under these different -- what -- what is 9 it -- the United States Constitution and the Law 10 Enforcement Code of Ethics, right? 11 A. Well, this -- this first one is the fourth 12 amendment, that's the Constitution. And again, just 13 showing that officers receive training in this, and 14 the academy, and throughout their career. And then I 15 also mentioned -- the next block quote is the State of 16 Texas Oath that all peace officers take and 17 that's -- then the last one is the Law Enforcement 18 Code of Ethics. 19 Q. Okay. But this -- this section is not an 20 opinion that's made by you? This is you -- 21 A. It's used to form a basis of my opinion. 22 Q. Okay. But it's not an opinion that you're 23 living; is that right? 24 A. I don't offer an opinion on the Constitution 25 or --</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORDJuly 25, 2023  
105-108

<p style="text-align: right;">Page 105</p> <p>1 Q. It's just a yes or no question. I'm just 2 trying to move forwards. Okay, thanks. Okay. So 3 page six. So now, I'm getting into, it looks like the 4 beginning of your opinions. It says, "The analysis of 5 the use of force, slash, deadly force against Mr. John 6 Ray Zamora." Okay. So under this heading, I want to 7 start here. It says, "This evaluation of the use of 8 force, slash, deadly force against Mr. Zamora is based 9 upon evidence submitted thus far for review. It is 10 extremely important to recognize that video evidence 11 of the incident is acknowledged to exist." Okay. I 12 want to ask you about that real quick. So is it fair 13 to say that when you wrote this report, you know, it 14 had been made known to you that there was other 15 information out there that could assist and providing 16 an opinion. 17 A. Yes, sir. 18 Q. Okay. And that's your understanding here 19 that the information out there that could assist is, 20 as you put it, video evidence of the incident? 21 A. That's my understanding. 22 Q. Okay. And at this point, you're writing a 23 report though you don't have that and you don't have 24 anything else really other than the Lyford incident 25 report?</p>	<p style="text-align: right;">Page 107</p> <p>1 write a preliminary -- preliminary report that 2 includes my opinions on what I have thus far. 3 Q. Okay. Let's -- let's keep going. So it 4 says, "Such evidence must be reviewed in order to 5 conduct a full and independent evaluation of the use 6 of force by the peace officers or other personnel 7 involved in this incident." So you say independent 8 evaluation. So is this report not an independent 9 evaluation? 10 A. No, sir. It's all an independent evaluation 11 as I stated earlier in the report, that's my purpose. 12 I don't work for either parties. 13 Q. So what is the purpose of providing the 14 sentencing? 15 A. It's addressing the video and -- and/or body 16 camera and/or state yield camera, incident reports 17 from Willacy County, jail reports, deputy incident 18 reports. All kinds of information that has not been 19 submitted, which would typically be submitted when 20 you're evaluated in a use-of-force situation, 21 including this force report. 22 Q. Okay. But why would you write a sentence 23 that says, "Such evidence must be reviewed in order to 24 conduct a full and independent evaluation of the use 25 of force by the peace officers or other personnel</p>
<p style="text-align: right;">Page 106</p> <p>1 A. Well, and the witness statements and -- and 2 that I relied upon. But no, sir, I don't have any 3 other video evidence at all. 4 Q. Okay. I'm going to jump down here and under 5 sentence, it says, "Therefore, significant and 6 relevant evidence has been unable to be reviewed for 7 this report." Do you see where it says that? 8 A. Yes, sir. 9 Q. I mean, we've been kind of talking, it's kind 10 of been the theme here during these questions -- you 11 know, it appears to me that you've identified the fact 12 that you have not reviewed significant and relevant 13 evidence for purposes of making this report; is that 14 correct? 15 A. No, sir. 16 Q. Okay. So what does this sentence mean? 17 A. It means that there is significant and 18 relevant evidence that had not been submitted yet. 19 It's not at all addressing the -- the evidence I have 20 reviewed, I don't consider significant or not relevant 21 because it is. 22 Q. Okay. So for purposes of this report, you're 23 not stating here that you need additional information 24 to make your opinions, to support your opinions here? 25 A. I've stated I have sufficient information to</p>	<p style="text-align: right;">Page 108</p> <p>1 involved in this incident." Because that at least 2 appears to say that you don't have enough and you 3 haven't been able to make a full and complete 4 independent evaluation. 5 A. But that's not what I've said. That simply 6 to restate an earlier statement, that I have made an 7 independent evaluation, this is my preliminary expert 8 report, subject to that issue right there. 9 Q. How is it a restatement if you're saying that 10 you need evidence to conduct a full and independent 11 evaluation of use of force? How is that a restatement 12 of you saying you have sufficient evidence? 13 A. I have sufficient evidence for a preliminary 14 report and I've stated it several times. I do not 15 have -- 16 (Crosstalk.) 17 Q. I don't think you really described 18 what -- like the difference between a preliminary 19 report and an actual report. I guess maybe that's 20 where I'm getting lost in translation. So are you 21 saying that as an expert, you're allowed to make an 22 expert report or call it an expert report, but include 23 very little information and just make an opinion 24 that's not based on fact so long as you have the 25 ability to look at something in the future and come</p>



KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023

109-112

<p style="text-align: right;">Page 109</p> <p>1 back and amend your opinion; is that what you're          2 saying?          3 A. No, sir. I've given you an expert report          4 citing the sources that I relied upon, in addition to          5 my professional experience and training, and I          6 prepared, have sufficient information as I stated          7 previously, to prepare a preliminary report being that          8 the kinds of things that are normally submitted for          9 case review have not been released by Willacy clients.          10 Q. Okay. And that's -- okay. Well, let's talk          11 about that for a second here. So I know you've          12 mentioned that a couple of -- a couple of times.          13 Something hasn't been released, something hadn't been          14 released. But you're -- you're an expert and you've          15 said that you operate independent, right? Like I          16 could call you and ask you for services, he can call          17 you and ask you for services, right?          18 A. Yes, sir.          19 Q. You don't just take on cases for plaintiffs          20 or only, right?          21 A. Yes, sir. Phone rings --          22 Q. Okay.          23 A. -- I pick it up.          24 Q. But as -- but as an expert and being somebody          25 that's been doing this for so many years, I mean, it's</p>	<p style="text-align: right;">Page 111</p> <p>1 A. I'm saying I'm aware that there is          2 significant evidence that I would typically review          3 that has not been submitted for review. And with all          4 of my reports, I've looked, completed with I've          5 observed the rights in modifying my opinion based on          6 new evidence submitted.          7 Q. No, I -- I understand that. I just -- I'll          8 represent to you this is probably the first time I've          9 seen it when you said so many times in the report that          10 you don't have access to information and that you          11 don't have enough information to make a full and          12 independent evaluation. I'm trying to figure out how          13 I'm supposed to understand it and what you're telling          14 me is not making very much sense to me. Can you at          15 least respect that?          16 A. Yes.          17 Q. Okay.          18 A. As I said, if it helps, I'd just call it          19 report number one. If additional information is          20 submitted, certainly, I'll do us up another report          21 considering that information.          22 Q. But again, as we talked about earlier, in          23 order to make a supplemental report or an amended          24 report, you would agree with me that this report in          25 and of itself has to withstand the scrutiny of the</p>
<p style="text-align: right;">Page 110</p> <p>1 kind of your duty to review the evidence and make a          2 determination whether you have enough to write a          3 report. You're respective of what somebody's          4 deadlines are per your respective of whether or not          5 that information is available, you still have a duty          6 to inform somebody, I have enough or I don't have          7 enough to make a report; is that right?          8 A. Yes, sir. I believe I had enough.          9 Q. And you believe you have enough despite          10 repeatedly stating that you don't have significant          11 information to make a full and independent evaluation?          12 A. To make a full report. This is a preliminary          13 report based on the information and evidence submitted          14 thus far and all of my professional training and          15 experience with these kinds of incidents.          16 Q. And you -- I just -- I'm sorry, but you keep          17 saying preliminary. Where -- where in your          18 understanding of the law as an expert does it say that          19 there's a difference between a preliminary -- like a          20 preliminary expert report and an expert report?          21 A. Well, perhaps it would be better read if this          22 was report number one.          23 Q. Okay. So as you sit here though, you are          24 expecting your report to change; is that what you're          25 saying?</p>	<p style="text-align: right;">Page 112</p> <p>1 requirements for making an expert report?          2 A. Absolutely.          3 Q. Okay. All right. This next part of the          4 report here, this is -- it says Officer Salvador          5 Garcia. What department is he with?          6 A. City of Lyford.          7 Q. Okay. Okay. I'm going to go ahead          8 and -- I'm going to move past this section for now and          9 give Mr. Erwin a chance to ask you about that, if he          10 chooses.          11 MR. ERWIN: Because right now, the written          12 spot for -- for break. If you want to apply that          13 break.          14 MR. HAYWARD: Sure. Let me -- let me make a          15 note for that.          16 MR. ERWIN: Absolutely.          17 MR. HAYWARD: Let's see. Yes, sir. That's          18 good with me. Would you like to take a break?          19 THE WITNESS: That's fine with me, I believe.          20 THE VIDEOGRAPHER: We are off the record at          21 12:40. End media one.          22 (Off the record.)          23 THE VIDEOGRAPHER: We're on the record at          24 12:50. Start media two.          25 BY MR. HAYWARD:</p>



KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 113-116

<p style="text-align: right;">Page 113</p> <p>1 Q. Okay, Mr. Howse. To kind of pick up where we          2 left off here, we had just gotten to the section          3 regarding Officer Salvador Garcia and I think you told          4 me that Mr. Garcia -- or excuse me, Officer Garcia,          5 it's your understanding that he is an officer with          6 Lyford PD; is that right?          7 A. Yes, sir.          8 Q. Okay. And I think -- it looks like you've          9 kind of written this report because you have a section          10 here where you talk about Officer Salvador Garcia's          11 involvement, as you understand it, to be in this          12 incident and then there's another section after that          13 where it's entitled, general discussion of officers,          14 actions on the scene; is that right?          15 A. Correct.          16 Q. Okay. So -- so I'm going to -- I'm going to          17 move past Officer Garcia's section for now and I'm          18 going to go down to where it says general discussion          19 of officers, actions on the scene. That's on page          20 number seven. Okay?          21 A. All right.          22 Q. All right. So just kind of move down here          23 real quick, this first statement. It says, "Based          24 upon the evidence as thus far presented, the following          25 opinions and conclusions are reported and attributed</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. Okay. All right. So this -- okay. This          2 second paragraph here under general discussion,          3 officers' actions -- all right. You put down your          4 plaintiff is Yvonne Zamora. It serves that she          5 observed the officers using physical force against Mr.          6 Zamora in the front yard. When you refer to plaintiff          7 or Yvonne Zamora, just to be clear, are you referring          8 to a conversation you had with her or are you          9 referring to information that was contained in her          10 plea immunity?          11 A. I'm -- I'm referring to the plea and have not          12 had any personal conversation.          13 Q. Okay. Okay. And it says this force included          14 hands-on physical force as well as the use of pepper          15 spray and taser in order to restrain Mr. Zamora. And          16 then you say, "If true, such use of force is excessive          17 in nature and outside of the scope of generally          18 accepted policy practices and procedures when          19 attempting to provide assistance to a person who is          20 acting aggressive due to a drug interaction." Okay.          21 So again, first and foremost, when you say -- when you          22 say in your report, you say, "If true," so I -- is          23 it -- can I take the position here reading this that          24 this information that you have here is not necessarily          25 being viewed at by you as a fact?</p>
<p style="text-align: right;">Page 114</p> <p>1 to Officer Garcia, Deputy Vargas, Deputy Silva and          2 Deputy Revus, officers in the aggregate as details as          3 to each specific officer's actions have yet to be          4 submitted. Okay.          5 So this part of this here where you're saying          6 that the details as to each specific officers' actions          7 have yet to be submitted. Can you just -- can you          8 just let me know, are the opinions that you're making          9 here, are they based upon the officer's actions as you          10 put it, in the aggregate or are you able to actually          11 decipher which officer did what alleged excessive          12 force?          13 A. As we discussed, primarily based upon the          14 official incident report, so Lyford PD, and have not          15 been able to quantify specific individual issues other          16 than Officer Garcia. Since we do have a report from          17 him, but as ai mentioned earlier, we don't have use of          18 force reports or body cam, or vehicle cam, or any sort          19 of document from Willacy County yet.          20 Q. Okay. So would it be fair to say that the          21 opinions as to Willacy County are made in the          22 aggregate and not as to the individual officers that          23 were involved?          24 A. With regard to -- yes, based on the City of          25 Lyford report.</p>	<p style="text-align: right;">Page 116</p> <p>1 A. As a -- that's correct. I've not received          2 Willacy County related documents.          3 Q. Okay. All right. So when you say          4 here -- when you say here, you make this statement          5 that such use of force is excessive in nature and          6 outside of the scope, you're basing that opinion off          7 of this information that you're getting from Ms.          8 Zamora in her plea; is that right?          9 A. No. I'm basing it off of the City of Lyford          10 report.          11 Q. Oh, okay. All right. Let's see. Hold on.          12 Let me see.          13 A. Well, let me --          14 Q. I was going to say -- because I think there's          15 a lot of statements you're making that aren't          16 contained I this --          17 (Crosstalk.)          18 A. Yeah, I don't -- actually, you were asking          19 about just the phone, correct?          20 Q. No, sir. I'm -- I'm asking -- we're talking          21 about this second paragraph here under the general          22 discussion of the officer's actions. Specifically,          23 you say, "This force includes hands-on physical force          24 as well as the use of pepper spray and taser in order          25 to restrain Mr. Zamora." And then the next sentence</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
117-120

<p style="text-align: right;">Page 117</p> <p>1 is, "If true, such use of force is excessive in nature 2 and outside the scope." So it sounds to me like 3 you're using the information from Ms. Zamora's plea 4 and then making the statement, if that's true, then 5 it's excessive force. 6 A. That's piece from Ms. Zamora, but the use of 7 force is listed in the City of Lyford report. 8 Q. Okay. Let me go back and look at that. 9 MR. HAYWARD: Where is that? Sorry. Did 10 I -- 11 UNIDENTIFIED VOICE: Oh, you're -- 12 (Crosstalk.) 13 MR. HAYWARD: Can I see that real quick? 14 Thanks. 15 BY MR. HAYWARD: 16 Q. So it's from this report that you're getting 17 the information that you need to say that there was an 18 excessive use of force? 19 A. The -- the -- that there was a use of force, 20 number one and the circumstances under which the force 21 was used. 22 Q. I'm sorry. This is -- I'm looking at Exhibit 23 3. This is the City of Lyford incident report. So 24 I'm -- I'm looking at that. I don't necessarily see 25 the specific uses of force that you're referring to in</p>	<p style="text-align: right;">Page 119</p> <p>1 you're saying that you don't have. I'm really trying 2 to -- I'm really trying to get through this report and 3 just make a determination as to what the support you 4 have -- you reviewed in getting to these opinions on 5 this report, okay? 6 A. Sure. 7 Q. All right. So for purposes of what you're 8 saying here, you know, other than the hands-on 9 physical force, is the other information you're 10 getting coming from the plea and the intervention or 11 the plaintiff's petition? 12 A. No, sir. The report, the City of Lyford 13 report, clearly sets forth, I presume, to be true, 14 it's official report, that what Officer Garcia saw and 15 encountered when he arrived, he immediately knew that 16 it was a drug-related incident and reported suspicious 17 behavior that Mr. Zamora was exhibiting. And then 18 subsequent to that, it gets into the deputies arriving 19 at the same scene and he goes on in a little more 20 detail, but no, I obtained all of that information 21 from the City of Lyford report. That tells me what 22 the call was, what the officer saw. 23 Q. Okay. 24 A. And then what happened afterwards. 25 Q. Okay. So I'm just -- I'll see if I can ask</p>
<p style="text-align: right;">Page 118</p> <p>1 this paragraph, in that report. I could be wrong, 2 but -- 3 A. It states that -- 4 Q. What does it say about pepper spray? 5 A. I don't think it was just pepper spray. 6 Q. Okay. 7 A. It is stating that the deputies of Willacy 8 County had Mr. Zamora on the ground and were wrestling 9 with him essentially. And that Officer Garcia 10 assisted them in the arrest and in the -- while 11 he -- presumably, while he was on the ground and with 12 the deputies. 13 Q. Okay. So from that report, it sounds like 14 that's talking about what you refer to as hands-on 15 physical force; is that right? 16 A. Yes, sir. 17 Q. Okay. Does that report address the remainder 18 of your opinion here regarding use of pepper spray and 19 taser? 20 A. I believe when you say address, that is, I 21 believe, from pleadings asserted that there were -- he 22 was pepper sprayed and tasered. I don't have, as I 23 mentioned, the use-of-force reports -- 24 Q. Right. And I'm -- I know you -- I know you 25 want to keep referring to, you know, the items that</p>	<p style="text-align: right;">Page 120</p> <p>1 this a different way. Does that report that you're 2 looking at, the City of Lyford incident report, talk 3 about who used pepper spray, or who used a taser, or 4 if pepper spray, or if a taser was used? 5 A. No, sir. 6 Q. Thank you. Okay. So this next sentence 7 here, we -- we go down. It says, "Peace officers are 8 not trained to use punitive or excessive physical 9 force against a person's experience drug-related, 10 medical emergencies." Okay. So what evidence do you 11 have that you've reviewed that Mr. Zamora, at the 12 moment in time you're stating there was a use of 13 force, was experiencing a medical emergency? 14 A. The City of Lyford report. 15 Q. Okay. So City of Lyford report, in your 16 opinion, states that he was experiencing a medical 17 emergency and he needed to go to the hospital? 18 A. No, sir. Based on my professional training 19 and experience in reading the report, it described a 20 situation that is a medical emergency based on my 21 professional training and experience. It does not 22 cite that specifically in the report. 23 Q. Okay. And that's what I'm asking. I 24 appreciate it. And so the statement here you make 25 about using punitive or excessive physical force, when</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 121-124

<p style="text-align: right;">Page 121</p> <p>1 you make that statement, are you lumping in, not only</p> <p>2 what you're referring to as the hands-on physical</p> <p>3 force, but also the use of pepper spray and the use of</p> <p>4 the taser?</p> <p>5 A. Not specifically. I'm primarily relating to</p> <p>6 the -- to the hands-on physical force due to the</p> <p>7 nature of the medical emergency.</p> <p>8 Q. Your opinion that there's a medical</p> <p>9 emergency, right?</p> <p>10 A. It's based on my professional training and</p> <p>11 experience, it meets the criteria for an excited</p> <p>12 delirium medical emergency requiring EMS.</p> <p>13 Q. Right. But it's your opinion it's not stated</p> <p>14 in the report that there was a medical emergency?</p> <p>15 A. In fact, it's not and prodigal of that, the</p> <p>16 officer failed to recognize that it was a medical</p> <p>17 emergency.</p> <p>18 Q. Okay. Excited delirium, it's my</p> <p>19 understanding that that is not a -- and correct me if</p> <p>20 I'm wrong, but it's my understanding that that's not a</p> <p>21 clinically accepted diagnosis.</p> <p>22 A. I'm not a clinician or medical practitioner.</p> <p>23 I can tell you there are discussions that are held and</p> <p>24 are banded back and forth with regard to the</p> <p>25 legitimacy which they have -- of that diagnosis, but</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. All right. You said earlier that you had</p> <p>2 made some arrests in the past for public intoxication?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. And in your opinion, is it possible to</p> <p>5 have an arrest of public intoxication and have</p> <p>6 somebody be exhibiting excited delirium and an officer</p> <p>7 either not recognize that or not make that</p> <p>8 determination? Or is this something that you're</p> <p>9 saying every officer, all the time, should be able to</p> <p>10 make this determination?</p> <p>11 A. Well, generally speaking, public intoxication</p> <p>12 is not the primary indicator for this kinds of</p> <p>13 situations. It's more drug induced. So -- so that's</p> <p>14 kind of a big difference there. And Officer job</p> <p>15 trained specifically, on the behavior to be on the</p> <p>16 lookout for it.</p> <p>17 Q. Okay. So public intoxication, in your</p> <p>18 opinion, doesn't include drug use?</p> <p>19 A. I think generally, it is alcohol abuse when</p> <p>20 we refer to that term more often than not.</p> <p>21 Q. There's a penal code charge for public</p> <p>22 intoxication, is there not?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. Does the charge for public</p> <p>25 intoxication only refer to or does it separate</p>
<p style="text-align: right;">Page 122</p> <p>1 there is no discrepancy at all with regards to the</p> <p>2 policy procedure or policies.</p> <p>3 Q. Okay. So excited delirium is an -- well,</p> <p>4 you're saying it's a diagnosis, correct?</p> <p>5 A. I'm not saying that it -- I'm not offering</p> <p>6 any medical opinion. I don't know that it's a</p> <p>7 diagnosis or not. I can only tell you police officers</p> <p>8 are trained on the concept of excited delirium.</p> <p>9 Q. Okay. Is it your testimony here today that</p> <p>10 police officers are trained to like various objective</p> <p>11 facts in determining whether or not somebody's</p> <p>12 experiencing excited delirium at all times, in all</p> <p>13 cases?</p> <p>14 A. Well, every case is different, but</p> <p>15 there -- there are a repetitive set of facts and</p> <p>16 circumstances that are consistent with an excited</p> <p>17 delirium incident or something similar.</p> <p>18 Q. Right. but you're making -- you're making</p> <p>19 this assumption based on this one report; is that</p> <p>20 right?</p> <p>21 A. No, sir. The medical reports state that is</p> <p>22 a -- is a condition and that Mr. Zamora had drugs in</p> <p>23 his system. Basing that on the City of Lyford report</p> <p>24 as well, based on the officer's observation of Mr.</p> <p>25 Zamora's actions and then his own stated actions.</p>	<p style="text-align: right;">Page 124</p> <p>1 differences between somebody being intoxicated with</p> <p>2 alcohol or somebody with marijuana?</p> <p>3 A. I'd have to review the statute, but I believe</p> <p>4 it may include intoxication in general.</p> <p>5 Q. Okay. Excuse me. Okay. At the bottom of</p> <p>6 this page, on page seven, you refer to something</p> <p>7 called the -- pardon me. Sorry. The International</p> <p>8 Association of Chiefs of Police, The IACP and it</p> <p>9 offers the following training and policy</p> <p>10 guideline -- or excuse me. Policy guidance to all</p> <p>11 peace officers. So this appears to be, I guess</p> <p>12 a -- like a write-up on excited delirium; is that</p> <p>13 right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. And I'm not -- I'm not familiar with</p> <p>16 this organization, but is this -- is this something</p> <p>17 that has been directed to be included, you know, as a</p> <p>18 mandatory training or a mandatory policy for all</p> <p>19 departments?</p> <p>20 A. The IACP provides model policies and guidance</p> <p>21 to police departments across the world. It's the</p> <p>22 largest law enforcement management, we'll say,</p> <p>23 association in the world.</p> <p>24 Q. Okay. So let's move to page nine. Oh, by</p> <p>25 the way, are -- are you making an opinion in this</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 125-128

<p style="text-align: right;">Page 125</p> <p>1 report or here today as to which officers on the scene          2 should have noticed that there was excited delirium          3 going on?          4 A. Because all peace officers are trained in          5 excited delirium, it is a mandate by the Texas          6 Commission on law enforcement, I've -- my opinion is          7 all of the officers on scene, regardless the agency          8 should have been aware.          9 Q. Okay. So given the information that you've          10 reviewed and that you have at your disposal right now,          11 do you feel that you have enough information to make          12 that opinion, that all officers on the scene, despite          13 where they were, how they were interacting, despite          14 the behavior of the decedent, that all of the officers          15 should have recognized that there were excited          16 delirium?          17 A. Yes, sir.          18 Q. Okay. Okay. The top of page nine says,          19 "Plaintive Yvonne Zamora also asserts that upon          20 observing the officers' use of physical force against          21 Mr. Zamora and hearing cries from Mr. Zamora for help,          22 she took her cell phone from her pocket and started to          23 video the officers' actions." Okay. I'm going          24 to -- I'm going to keep reading through here a little          25 bit and then I'll ask you about it. "Plaintiff Zamora</p>	<p style="text-align: right;">Page 127</p> <p>1 Again, I was hired to --          2 Q. Thank you.          3 A. -- evaluate the incident.          4 Q. All right. So the next part of this says,          5 "If true," -- again, there's the if true. It says,          6 "Such conduct is outside the scope of generally          7 accepted police practices and procedures." So this          8 first part of this paragraph, is this information          9 coming from the information that's in Mr. Yvonne          10 Zamora's plea and intervention?          11 A. Yes, it is and that's why it stated it's          12 asserted by her. And I put the caveat if true.          13 Q. Right. So if I see something in this report          14 that says, if true, can I rely on the fact that that          15 information is coming from something like the lawsuit          16 or something that you have stated is not reliable?          17 A. It means I don't believe I have sufficient          18 documentation yet submitted to confirm or deny.          19 Q. Okay. And again, let's -- the rest of this          20 part here, I think we've already talked about this.          21 I'm not going to go over this again, but the end is          22 talking about the seizure of the cell phone specific          23 to Ms. Zamora. The only question I'll ask you about          24 this is, this is not in relation to the use of force          25 that's allegedly occurring as to the decedent, right?</p>
<p style="text-align: right;">Page 126</p> <p>1 asserts an officer, unnamed, then approached her and          2 confiscated her cell phone and placed her in          3 handcuffs."          4 Okay. So with respect to the use of force issues          5 in this case that you were asked to deliver an          6 opinion, what is the significance of these two          7 sentences?          8 A. Oh, that's for not only use of force, but          9 police procedure, arrests (indiscernible).          10 Q. Okay. So you were -- but you were -- just to          11 be clear, your assignment was to review everything to          12 include the arrest of Ms. Zamora?          13 A. The incident in general.          14 Q. No, specifically, with respect to Ms. Zamora,          15 you were asked to --          16 (Crosstalk.)          17 A. No, I was asked to review the incident.          18 Q. Okay.          19 A. The officers' conduct and that was part of          20 their conduct.          21 Q. With respect to Ms. Yvonne Zamora, were you          22 asked specifically to give an opinion as to whether or          23 not her arrest involved any type of excessive force?          24 Specifically.          25 A. I was not specifically asked about her.</p>	<p style="text-align: right;">Page 128</p> <p>1 Or that you're talking about specifically, the          2 interactions with law enforcement and Ms. Yvonne          3 Zamora?          4 A. Yes, strictly any use of force and/or          5 aggressive procedure excluding Mr. Zamora.          6 Q. Okay. And then I'm going to skip this block          7 quote here. The next part says, "No evidence has thus          8 far been presented to suggest that Ms. Zamora was          9 interfering with the officers. Ms. Zamora asserts she          10 was attempting to document excessive force being used          11 against her son, Mr. Zamora." Okay. So I mean,          12 again, is -- this is you just basically saying, you          13 got -- you're getting this information from the plea          14 and the intervention, you haven't had an opportunity          15 to look at the other side of the story?          16 A. Yes, it's a continuation of the paragraph          17 above.          18 Q. But am I correct in saying that?          19 A. Yes, sir.          20 Q. Okay. Okay. This next part, General          21 discussion of officers' action at Willacy County Jail.          22 Okay. But before I get into this section, is there          23 anything else I need to know about that you would have          24 reviewed with respect to the officers' actions at the          25 Willacy County Jail other than the witness statements?</p>



KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 129-132

<p style="text-align: right;">Page 129</p> <p>1 A. No, sir. That statement hasn't been          2 submitted yet.          3 Q. Okay. This is very important, okay? So I          4 need to make sure I'm asking this properly. So even          5 to the extent that you reviewed the plaintiff's          6 lawsuit and the plea and the intervention, is all the          7 information under this section that talks about          8 general discussion of officers' actions at Willacy          9 County Jail coming from the witness stance?          10 A. Yes, plus there is mention there generally          11 from the plaintiff as sort of, you know, the physical          12 injuries and -- and -- and being beaten at the jail.          13 So it's not strictly from the witness. It's -- it is          14 pulled from a couple of different areas.          15 Q. Perfect. So let's -- like this is why I          16 asked the question, okay? So I need to make sure I'm          17 understanding all of the documents that you reviewed          18 for purposes of making the opinions under this          19 particular section, which is general discussion of          20 officers' actions at Willacy County Jail. So, so far,          21 we have the witness statements, we have Plaintiff's          22 original petition, right? There's at least some          23 information that's been taken from?          24 A. Yes, sir.          25 Q. Okay. How about the plea and intervention?</p>	<p style="text-align: right;">Page 131</p> <p>1 supports what has already been --          2 Q. So you're saying that this article talks          3 about the criminal charges that are going to be          4 brought?          5 A. I don't know if they're going to be brought          6 or not. I'm just saying it discusses it.          7 Q. Okay. What specifically does it discuss          8 regarding criminal charges?          9 A. That -- that Willacy County DA is considering          10 criminal charges against the deputies for the death of          11 Mr. Zamora.          12 Q. That's what this article says to you?          13 A. Yes.          14 Q. Okay. This article sent to you says the          15 Willacy County DA is considering criminal charges?          16 A. As I recall.          17 Q. All right. And you used, what, that          18 information for purposes of making an opinion in this          19 section?          20 A. No, simply as a supporting documentation.          21 Q. Okay. What are you relying on in that          22 article for purposes of this opinion?          23 A. If there was an assault that occurred at the          24 jail.          25 Q. All right.</p>
<p style="text-align: right;">Page 130</p> <p>1 Is there --          2 A. Yes --          3 Q. -- some -- okay.          4 A. Yes. In the earlier part of --          5 Q. Anything else that I'm missing as far -- hold          6 on. As far as factual information that you're          7 referring to, to make the opinions in this section?          8 A. The newspaper article we referred to earlier,          9 the Valley Star, which I assume the paper record,          10 generally, considered those to be reasonably reliable          11 documents and that -- and that cites some of that          12 information.          13 Q. Okay. So you're -- are you saying that the          14 newspaper article now is reliable information that          15 you've relied on? Because I'm -- I'm pretty sure -- I          16 mean, I'd have to look, but I'm pretty sure that you          17 had told me earlier that that was not reliable          18 information. We went through all of the documents.          19 A. I don't think I said it was not reliable.          20 Q. Okay.          21 A. If I've listed it here as a document that I          22 read --          23 Q. Yes.          24 A. -- and -- and it states about the criminal          25 charges that they considered and to that extent, it</p>	<p style="text-align: right;">Page 132</p> <p>1 A. The deputies involved.          2 Q. So --          3 A. And which starts with the City of Lyford          4 report and then it kind of goes to the county.          5 Q. Okay. So I'm going to make sure I understand          6 this correctly. Your testimony here today is that          7 you're using a newspaper article that does not say          8 that charges are being brought to, I don't know, what          9 confirms some suspicion that you have that there's an          10 assault that took place?          11 A. I didn't understand your question, Counsel.          12 Q. Sure.          13 A. Are you saying that -- that I --          14 Q. No problem.          15 A. -- it does not say that?          16 Q. You -- but you -- you just made a          17 comment -- at least, my understanding of your comment          18 was, that there's something in this article that leads          19 you to believe an assault took place at the jail.          20 That was the comment that I remember you saying --          21 A. Yes. May I review the exhibit?          22 Q. Yeah, certainly.          23 A. It says, "Authorities are pressing charges          24 against Willacy County deputies in the February 2022          25 death of John Zamora."</p>



KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023

133-136

<p style="text-align: right;">Page 133</p> <p>1 Q. It says that?</p> <p>2 A. Well, that's -- I'm reading it.</p> <p>3 Q. Okay.</p> <p>4 A. "Willacy County will" -- Well, this is --</p> <p>5 Q. Maybe -- maybe --</p> <p>6 A. "District Attorney Annette Hinojosa declined</p> <p>7 comment on whether she's pursuing charges, but" --</p> <p>8 Q. Mr. Howse, why -- why don't you just do</p> <p>9 yourself a favor and just review the article before I</p> <p>10 ask any more questions about it, okay? This is</p> <p>11 not -- I don't want to do any other surprise tactic.</p> <p>12 If you feel that you've used this article to support</p> <p>13 anything in here, just review it, because I'm</p> <p>14 completely not understanding where you're coming from.</p> <p>15 So just take a second and review.</p> <p>16 A. I reviewed it.</p> <p>17 Q. Okay. Fantastic. So I'll just ask you this.</p> <p>18 What specifically did you use in that article to</p> <p>19 support the opinions that you made here under the</p> <p>20 section entitled, general discussion of officers'</p> <p>21 action at Willacy County Jail?</p> <p>22 A. "Authorities are pressing charges against</p> <p>23 Willacy County deputies in the February 2022 death of</p> <p>24 John Ray Zamora, 33, whose family claims deputies beat</p> <p>25 while in handcuffs, Attorney Israel Perez and" --</p>	<p style="text-align: right;">Page 135</p> <p>1 deputies beat while in handcuffs, comma, Attorney</p> <p>2 Israel Perez statement."</p> <p>3 A. I'm using the article produced by the local</p> <p>4 paper, which does include a statement by Counsel, but</p> <p>5 it's from -- it's a -- it's a local paper of the</p> <p>6 record article that is part of, not solely, not -- my</p> <p>7 opinions are not based solely on the article. It's</p> <p>8 simply confirming there was an incident of some sort</p> <p>9 and it aligns with the City of Lyford Police</p> <p>10 Department report, the witness's report, the</p> <p>11 toxicology reports, that also state excited delirium.</p> <p>12 You cannot isolate that and say my opinion was based</p> <p>13 solely on that article.</p> <p>14 Q. Okay. I'm going to stop you right there. I</p> <p>15 didn't ask you about any of the other articles. We're</p> <p>16 talking about this newspaper article, okay? I'm</p> <p>17 asking you specifically about that. I'll just -- it's</p> <p>18 okay. It's fine. I'm not going to beat a dead horse.</p> <p>19 I'm going to give you an opportunity here to explain</p> <p>20 yourself. If the explanation is going to be, "I can't</p> <p>21 isolate the information because I looked at everything</p> <p>22 and I can't point to something specifically," so be</p> <p>23 it, okay?</p> <p>24 A. Sure.</p> <p>25 Q. All right. So let me ask the question one</p>
<p style="text-align: right;">Page 134</p> <p>1 Q. Okay. Stop right there. So you're using</p> <p>2 that sentence; is that what you're saying?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay.</p> <p>5 A. Among other sentences.</p> <p>6 Q. So who's making this statement?</p> <p>7 A. This is Counsel, but they're statements from</p> <p>8 the DA as well.</p> <p>9 Q. Okay. So the statement from the DA says that</p> <p>10 authorities are pressing charges. That's the point of</p> <p>11 this entire article?</p> <p>12 A. Declined to comment on whether authorities</p> <p>13 are pressing charges is what it says here.</p> <p>14 Q. Okay. So is that the same to you as pressing</p> <p>15 charges?</p> <p>16 A. I have no idea. It means what it says.</p> <p>17 Declined to comment.</p> <p>18 Q. Okay.</p> <p>19 A. So it's a possibility.</p> <p>20 Q. That's fine. So just for, again, purposes of</p> <p>21 the record, to make sure I'm understanding this</p> <p>22 correctly, you used the following statement in coming</p> <p>23 to you quote, "Authorities are pressing charges</p> <p>24 against Willacy County deputies on the February, 2022</p> <p>25 death of John Ray Zamora, 33, whose family claims</p>	<p style="text-align: right;">Page 136</p> <p>1 more times. Are you able to state with any</p> <p>2 specificity whatsoever, the type of information that</p> <p>3 you used, the information that came from this</p> <p>4 newspaper article, in coming to your conclusions or</p> <p>5 opinions in this section?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 A. It was from the City of Lyford report --</p> <p>9 Q. Thank you. That's fine. I appreciate.</p> <p>10 Thank you. All right. Okay. Let's go through this</p> <p>11 here. All right. So this first paragraph here under</p> <p>12 the general discussion, it's the sentence. Again, it</p> <p>13 says, "Because relevant evidence has not yet been</p> <p>14 released by Willacy County, it is not possible to</p> <p>15 completely evaluate the treatment of Mr. Zamora by</p> <p>16 deputies while he was in their custody in route to the</p> <p>17 Willacy County Jail and upon arrival and while at the</p> <p>18 jail." Is that -- is that a true statement? Is</p> <p>19 that -- did you make that statement in here?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. And so if I'm reading this statement</p> <p>22 correctly, it says, what, you don't have enough</p> <p>23 information to give an opinion on how he was treated</p> <p>24 either in route to the county jail, upon arrival or</p> <p>25 while at the jail; is that what that's saying?</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 137-140

<p style="text-align: right;">Page 137</p> <p>1 A. Not completely. I had information, again,          2 from the medical report's autopsy, et cetera          3 that -- that trauma was involved after being taken          4 into custody. He was taken into custody, that's          5 affirmed by the City of Lyford report. It's confirmed          6 by City of Lyford report that he was transported by          7 Willacy County deputies, however, as I mentioned, no          8 other information has been forthcoming from Willacy          9 County regarding video -- transport video, scene video          10 or jail video.          11 Q. Okay. Regarding actual facts or allegations          12 of what occurred from the time he left the -- this          13 unit left the scene, in route to the jail and what          14 happened at the jail, you've seen no incident reports          15 with respect to that? Excluding your reference to the          16 witness statements. I'll talk about that in a minute.          17 A. Okay. Only the City of Lyford officers          18 stated the deputies transported him to the county          19 jail. That's the only --          20 Q. Got it.          21 A. -- statement where I can see that.          22 Q. Okay. And then it says, "However, Plaintiff          23 asserts Mr. Zamora was physically beaten and pepper          24 sprayed while at Willacy County Jail. Witness          25 statement, nonsworn." You identify as nonsworn.</p>	<p style="text-align: right;">Page 139</p> <p>1 statement account sworn given by Fidel, last name not          2 reported, also, an inmate at the Wilson County Jail          3 stated he observed Mr. Zamora in handcuffs and naked          4 in his cell. He also observed deputies laughing about          5 having pepper sprayed Mr. Zamora with some deputies          6 coughing because they had inadvertently ingested          7 pepper spray themselves." Pardon me.          8 Please let me know if this is information solely          9 based on the witness statement, or a combination of          10 the witness statement and the plea intervention in the          11 original petition.          12 A. Primarily the witness statement, and I think          13 it was also referenced as an assertion of plaintiff's          14 petition.          15 Q. Okay. Are those the only documents in          16 support of this paragraph?          17 A. The only documents I have so far.          18 Q. Are these the only documents in support of          19 this paragraph, just yes or no?          20 A. Yes.          21 Q. Thank you. Okay. Next paragraph, "Both          22 witnesses state that Mr. Zamora was subsequently found          23 unconscious and that emergency medical procedures were          24 started including CPR and that 911 was called. EMS          25 arrived and transported Mr. Zamora to Valley Baptist</p>
<p style="text-align: right;">Page 138</p> <p>1 "Submitted for review. Included I-witness          2 observations and Mr. Robert Reyes, an inmate trustee          3 of Willacy County Jail." Okay. And then, I'll let          4 you read the rest of this paragraph, but if you could          5 just read it and tell me, is that information in this          6 paragraph coming solely from the witness statements          7 that we've referred to as witness statements?          8 A. Yes, in regarding the pepper spraying. Yes,          9 sir.          10 Q. No, regarding the entire paragraph. Was that          11 information in the entire paragraph coming solely from          12 the witness statements?          13 A. I'd have to review the witness statement, but          14 I believe it is.          15 Q. Let me find the witness statement.          16 A. Yes, sir. It's a combination of witness          17 statements and plaintiff's assertions.          18 Q. Okay. When you say plaintiff's assertions,          19 are you referring to the original petition, or the          20 original petition and the pleading intervention?          21 A. I believe it's both.          22 Q. Yeah? So witness statements and I'm going to          23 put pleadings. So pleading intervention and the          24 original petition. Okay.          25 The next paragraph here, "The second witness</p>	<p style="text-align: right;">Page 140</p> <p>1 Medical Center where he was pronounced deceased."          2 Same question, if you could just tell me the          3 documents that you reviewed in support of this          4 paragraph.          5 A. With regard to CPR, again, witness statements          6 and then I think the article may have also referred to          7 Valley Baptist Medical Center.          8 Q. Okay. So for purposes of this paragraph, you          9 used the witness statement and the newspaper article?          10 A. Yes, sir.          11 Q. Okay. Now, next paragraph starts out saying          12 "if the witness statements are true, and such conduct          13 and disrespect is outside the scope of generally          14 accepted police practices and procedures." Okay. So          15 what evidence do you have to show, other than these          16 witness statements, in support of that statement?          17 A. Well, I've included a report, the Guidelines          18 from the International Association of Chiefs of          19 Police.          20 Q. Oh, I'm sorry. Strike that. Let me rephrase          21 this.          22 What factual support did you review other than          23 the witness statements for purposes of making          24 (indiscernible)?          25 A. The City of Lyford police report states how</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORDJuly 25, 2023  
141-144

<p style="text-align: right;">Page 141</p> <p>1 the incident began and how Mr. Zamora was then 2 transferred to the custody of Willacy County. 3 Q. Okay. So this particular sentence here that 4 says "if the witness statements are true, such conduct 5 and disrespect is outside the scope of generally 6 accepted police practices and procedures," you're 7 saying this sentence is coming from the City of Lyford 8 incident report? 9 A. No, sir. I'm -- I'm saying it says what it 10 says. The witness -- if the witness statements are 11 true, that conduct is not within generally accepted 12 police procedures. 13 Q. Okay. I'm going to jump down here. It's the 14 last of the long sentences. The last sentence in this 15 paragraph says, "Based upon my professional training 16 and experience, and on the evidence thus far 17 submitted, it is my opinion and conclusion that the 18 Willacy County Jail staff, like the original arresting 19 deputies, failed to recognize Mr. Zamora was 20 experiencing a medical emergency requiring immediate 21 attention." 22 Okay. What evidence do you have that shows, I 23 don't know, which deputies or how the deputies 24 specifically failed to do their jobs with respect to 25 this paragraph?</p>	<p style="text-align: right;">Page 143</p> <p>1 However, what I deem to be true are the medical 2 reports, City of Lyford police report, and the fact 3 that Mr. Zamora is dead. I find those to be true. 4 And based on the officer's conduct as set forth by the 5 City of Lyford report, that is consistent with my 6 experience in looking at arrests where there was a 7 medical emergency that was not recognized, and the 8 person was instead severely injured during the arrest 9 process and later died. That's consistent with my 10 past experience and professional opinion. 11 Q. Got it. So this part here where you say, 12 "Based on my professional training experience and on 13 the evidence thus far submitted, it is my opinion and 14 conclusion that Willacy County Jail staff, like the 15 original deputies, failed to recognize Mr. Zamora was 16 experiencing a medical emergency requiring immediate 17 attention." With respect to that statement, if all 18 you had to look at, or all you were allowed to refer 19 to was the incident report, the autopsy, and the 20 toxicology reports, would what you reviewed on those 21 three documents support this statement? 22 A. Yes, sir. As I've stated, it's true on the 23 witness statement part that I submit for that to be 24 true. 25 MR. HAYWARD: Objection. Nonresponsive.</p>
<p style="text-align: right;">Page 142</p> <p>1 A. Well, you have to understand it was a 2 continuation from the scene to the jail, so it started 3 at the scene with the deputies. They transported to 4 the jail. At the jail, you have witnesses stating 5 what they say. And again, I say it if true, that's 6 outside procedures, and we know that Mr. Zamora passed 7 away, and we also have medical reports stating why he 8 passed away. 9 And when you combine all of that with the known 10 information, then that's sufficient enough to tell me 11 that obviously something went very wrong, and if 12 indeed Mr. Zamora was -- if the witness statements are 13 true, the proper procedures were disregarded with 14 regard to medical emergencies. 15 Q. Okay. So that statement that you're making, 16 this is -- explain to me how that's now a guess or a 17 speculation, because it sounds to me like you're 18 saying "if true," right? You reviewed a lot of stuff, 19 but if true, then this. If true, then this. So 20 explain to me how as an expert you can make an expert 21 opinion that gets to the end of the rainbow saying 22 therefore, there's, you know, a lot of problems here, 23 there's a lot of violations, etc.? 24 A. The EFT was referring to the witness's 25 statement, as I've done throughout the report.</p>	<p style="text-align: right;">Page 144</p> <p>1 BY MR. HAYWARD: 2 Q. So I'm asking a very specific question, okay? 3 I'm asking you whether or not this statement would be 4 supported if the only thing that you were allowed to 5 review or did review was the autopsy report, the 6 toxicology report, and the City of Lyford incident 7 report? 8 A. I believe so. 9 Q. Okay. Thank you. Okay. And again, this 10 says, "In addition, if Mr." -- again, "If Mr. Zamora 11 was handcuffed and repeatedly pepper sprayed or 12 beaten, more likely than not such force would be 13 considered excessive for the circumstances." 14 So am I correct in saying that this is a 15 hypothetical sentence? 16 A. If the facts are shown. That's for the trier 17 of fact and additional information to be submitted. 18 Q. Right. But it's a hypothetical statement, 19 right? 20 A. It's not hypothetical. It's based on 21 evidence, and we know he was handcuffed, arrested, 22 transported to Willacy County Jail where he died. 23 That's not hypothetical. 24 Q. Okay. So again, if all you had -- or, excuse 25 me -- all you were able to review was the City of</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
145-148

<p style="text-align: right;">Page 145</p> <p>1 Lyford incident report, the autopsy report, and the</p> <p>2 toxicology report. Would this sentence be supportive,</p> <p>3 in your opinion? Is that enough to support that</p> <p>4 sentence?</p> <p>5 A. Yes, sir. I believe so.</p> <p>6 Q. Okay. And then it moves to the summaries and</p> <p>7 conclusions. I'm on page 11. I'm sure everybody's</p> <p>8 breathing a sigh of relief.</p> <p>9 MR. PEREZ: It's like getting to the Z's at a</p> <p>10 graduation.</p> <p>11 MR. HAYWARD: Just man, will that guy stop</p> <p>12 talking? Gosh dang.</p> <p>13 BY MR. HAYWARD:</p> <p>14 Q. All right. Are you on page 11, sir?</p> <p>15 A. Yes.</p> <p>16 Q. Yes? Okay. Okay. So I'm looking at -- I'm</p> <p>17 going to start, and look just kind of collectively at</p> <p>18 this first conclusion and this second conclusion.</p> <p>19 Okay? And specifically, I mean, would you agree with</p> <p>20 me that the first conclusion is with respect</p> <p>21 specifically to Officer Garcia's conduct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So in this paragraph, you're not</p> <p>24 talking about specifically talking about the conduct</p> <p>25 of Willacy County deputies?</p>	<p style="text-align: right;">Page 147</p> <p>1 about Deputies Vargas, Silva, and Rivas, so this</p> <p>2 paragraph is talking about the Willacy County</p> <p>3 deputies' conduct; is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. And in this paragraph, you believe, after our</p> <p>6 conversation here today and the items that you've</p> <p>7 reviewed support the opinions that can be made in this</p> <p>8 paragraph?</p> <p>9 A. Yes, sir.</p> <p>10 Q. You feel that for purposes of making this</p> <p>11 opinion as it appears in this report that you've</p> <p>12 reviewed sufficient data in order to make this</p> <p>13 opinion?</p> <p>14 A. Yes. I have.</p> <p>15 Q. Okay. Next paragraph, okay, this one looks</p> <p>16 like again, I'm not entirely sure why this is in here,</p> <p>17 but it looks like this one is again talking about the,</p> <p>18 I don't know, the potential cause of action that</p> <p>19 Yvonne Zamora has regarding her specific interaction</p> <p>20 with the police; is that correct?</p> <p>21 A. Yes, sir. This is regarding her.</p> <p>22 Q. Okay. Moving on --</p> <p>23 A. Well, let me clarify on that.</p> <p>24 Q. Sure.</p> <p>25 A. I don't -- it is unclear as to which</p>
<p style="text-align: right;">Page 146</p> <p>1 A. Correct.</p> <p>2 Q. And the second paragraph here, this is in</p> <p>3 reference specifically to Willacy County deputies?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. And again, so I'm going to ask this</p> <p>6 question again based on this paragraph number 2 where</p> <p>7 you say, "It's my opinion and conclusion that the</p> <p>8 conduct of Deputies Vargas, Silva, and Rivas was not</p> <p>9 objectively reasonable for the circumstances, and that</p> <p>10 a reasonably similarly trained and situated police</p> <p>11 officer would have recognized that there was a call</p> <p>12 for help." This particular sentence, you believe,</p> <p>13 that this opinion is supported by facts that you</p> <p>14 reviewed so far?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. Moving down to the next paragraph,</p> <p>17 okay, this one looks like it goes back to Officer</p> <p>18 Garcia; is that correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Okay. So this third paragraph here, this is</p> <p>21 an opinion that you're giving only about -- excuse me,</p> <p>22 regarding Officer Garcia's conduct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. Moving onto the next paragraph, this</p> <p>25 paragraph, it looks like we're back talking again</p>	<p style="text-align: right;">Page 148</p> <p>1 officers, whether it was City of Lyford or Willacy</p> <p>2 County deputies, that did this. So it is generally</p> <p>3 vague in the sense that I've said unidentified</p> <p>4 officers.</p> <p>5 Q. Okay. I appreciate that. It's helpful,</p> <p>6 actually.</p> <p>7 This last paragraph here, so now we're back to</p> <p>8 Willacy County, only this time, you're talking about</p> <p>9 Willacy County Jail staff. It appears that you've, I</p> <p>10 guess, made a distinction between the deputies and the</p> <p>11 Willacy County Sheriff's Office jail staff; is that</p> <p>12 correct?</p> <p>13 A. All right. I had to use the term staff</p> <p>14 because within a jail, you typically have corrections</p> <p>15 officers and peace officers working side by side. And</p> <p>16 because I don't have the specific documentation from</p> <p>17 Willacy County, I can't speak to whether the actions</p> <p>18 were aggravated by deputies or corrections officers or</p> <p>19 both.</p> <p>20 Q. Yeah, I'm just -- again, I'm just, if you can</p> <p>21 kind of keep your answers focused on the information</p> <p>22 that we've reviewed and make any opinions on this</p> <p>23 report, okay?</p> <p>24 A. Yes, sir. I base that off the City of Lyford</p> <p>25 report stating that they were transported to Willacy</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
149-152

<p style="text-align: right;">Page 149</p> <p>1 County Jail.</p> <p>2 Q. Got it. So the fact that they were</p> <p>3 transported to Willacy County Jail in the Lyford</p> <p>4 report is what's giving you the support to make this</p> <p>5 opinion?</p> <p>6 A. In addition to the witness statements of</p> <p>7 individuals who were present at the Willacy County</p> <p>8 Jail.</p> <p>9 Q. Right. The witness statements -- right, the</p> <p>10 witness statements and also what, the petition and</p> <p>11 maybe the pleading intervention?</p> <p>12 A. I think it's primarily the witness statements</p> <p>13 and the City of Lyford report.</p> <p>14 Q. Got it. Okay. Let's go to the -- actually,</p> <p>15 let's stick with this one. I kind of forgot that this</p> <p>16 continues. It says, the last part of this paragraph</p> <p>17 says, "And that such conduct is not within generally</p> <p>18 accepted policies" -- excuse me, "police practices and</p> <p>19 procedures and indicates a deliberate indifference to</p> <p>20 the safety and welfare of those persons in their</p> <p>21 custody."</p> <p>22 So again, that statement, in your opinion, is</p> <p>23 supported by the, I guess specifically in this</p> <p>24 paragraph the witnesses. Is that your testimony?</p> <p>25 A. Yes, sir. The evidence submitted thus far,</p>	<p style="text-align: right;">Page 151</p> <p>1 EXAMINATION</p> <p>2 BY MR. ERWIN:</p> <p>3 Q. Mr. Howse, my name is Alan Erwin. I</p> <p>4 represent the Lyford Police Department and the City of</p> <p>5 Lyford.</p> <p>6 A. Yes, sir.</p> <p>7 Q. During your time at the Department of Public</p> <p>8 Safety, how many employees did you encounter that were</p> <p>9 going through (indiscernible)?</p> <p>10 A. How many incidents?</p> <p>11 Q. Yeah.</p> <p>12 A. This would just be a guestimate, but probably</p> <p>13 I would say half a dozen to a dozen, keeping in mind</p> <p>14 that we also operated a level 1 trauma center, and</p> <p>15 sometimes those circumstances are not necessarily</p> <p>16 based on an enforcement action.</p> <p>17 Q. So half a dozen to a dozen over how many</p> <p>18 years?</p> <p>19 A. Well, I was there just about 20 years.</p> <p>20 Q. Okay. So anywhere from one every third year</p> <p>21 to one every second year?</p> <p>22 A. I don't have a specific listing to, you know,</p> <p>23 be fair. I'm just estimating off the top of my head</p> <p>24 the kinds of incidents that I recall.</p> <p>25 Q. It's not common, is it?</p>
<p style="text-align: right;">Page 150</p> <p>1 the witness statements, and the fact that this</p> <p>2 occurred, based on the City of Lyford report, at the</p> <p>3 Willacy County Jail. And based on the medical reports</p> <p>4 of the death of Mr. Zamora.</p> <p>5 Q. I don't want to get confused. The City of</p> <p>6 Lyford report doesn't say anything about what happened</p> <p>7 at the jail, right?</p> <p>8 A. No. Just establishes that's where they were</p> <p>9 transferred.</p> <p>10 Q. Okay. Got it.</p> <p>11 A. Because he was transferred.</p> <p>12 Q. Okay, thanks. Okay. So next paragraph, "My</p> <p>13 forementioned conclusions are based on a reasonable</p> <p>14 degree of certainty." Okay. Let's just take that.</p> <p>15 So again, I'll just give you the opportunity real</p> <p>16 quick. So all the opinions made in this report,</p> <p>17 whether or not made as a result of reviewing the</p> <p>18 witness statements or the incident report, all of the</p> <p>19 opinions that you made in this report, you're stating</p> <p>20 here are made within a reasonable degree of certainty;</p> <p>21 is that right?</p> <p>22 A. Yes, sir. I believe so.</p> <p>23 Q. Okay.</p> <p>24 MR. HAYWARD: I may have something more, but</p> <p>25 I'll pass the witness at this time.</p>	<p style="text-align: right;">Page 152</p> <p>1 A. Excited delirium?</p> <p>2 Q. Right.</p> <p>3 A. It is not what I would call your everyday</p> <p>4 call, but it is common enough that TCOLE mandates</p> <p>5 training on it.</p> <p>6 Q. And while you're at Baylor, you're there with</p> <p>7 a world class medical center there, right?</p> <p>8 A. I believe so.</p> <p>9 Q. You said that you had access to a level 1</p> <p>10 trauma center, correct?</p> <p>11 A. Correct. Yes, sir.</p> <p>12 Q. What EMS services were available to Officer</p> <p>13 Garcia during Lyford while aiding February 11th, 2022?</p> <p>14 A. Well, all I have to go on is the City of</p> <p>15 Lyford report which doesn't mention EMS being called.</p> <p>16 Q. You never looked into that?</p> <p>17 A. Did I investigate that separately? No, sir.</p> <p>18 Q. Well, one of your criticisms was that Officer</p> <p>19 Garcia did not one, recognize that this gentleman was</p> <p>20 going through some kind of excited delirium, and two,</p> <p>21 didn't call EMS, correct?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. Now, my question is is what EMS</p> <p>24 services did Officer Garcia have available to him that</p> <p>25 evening?</p>



KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023

153-156

<p style="text-align: right;">Page 153</p> <p>1 A. I presume every jurisdiction has an EMS          2 service available, either through the county or city          3 or district.          4 Q. Okay. So you don't know. You're making a          5 presumption, correct?          6 A. No. I do know. EMS is available to every          7 law enforcement agency.          8 Q. Some kind of EMS, not a level 1 trauma          9 center, right?          10 A. Oh, no, sir. I'm not -- I'm not trying to          11 say EMS is a level 1 trauma center. I'm just saying          12 that EMS is available.          13 Q. And you didn't look into what sort of EMS          14 services were available at Lyford, correct?          15 A. No, sir, because I know EMS services are          16 available everywhere.          17 Q. Okay. The six paragraphs that you've got in          18 your incident summary with regard to Officer Garcia --          19 A. Yes, sir.          20 Q. -- other than the Lyford Police Department          21 report, was there any other document or information          22 that you considered factual that are relevant to it,          23 to the incident summary?          24 A. Well, the medical reports that I discussed          25 earlier confirm my initial observations. They were</p>	<p style="text-align: right;">Page 155</p> <p>1 I have no reason to dispute that.          2 Q. And there's no other information brought to          3 you that would lead you to determine otherwise,          4 correct?          5 A. Well, yes, sir. The leading to the wrestling          6 on the ground, Officer Garcia already stated in his          7 report that not only did he -- did Mr. Zamora tell him          8 he had been using drugs, but he reported that Mr.          9 Zamora was acting strangely and thought someone was          10 chasing him and -- and various comments he made in his          11 report which again, are signs of potential excited          12 delirium.          13 Q. Well, I have to object to your answer being          14 nonresponsive to my question because my question was          15 simply whether you knew any -- had any information          16 that you considered to be factual that Officer Garcia          17 didn't see that Mr. Zamora was resisting arrest while          18 these three gentlemen were trying to take advantage to          19 arrest him?          20 A. No. I believe that's what he observed. Yes.          21 Q. Okay. And again, no information to the          22 contrary, correct?          23 A. Regarding just the physical contact?          24 Q. With regard to Officer Garcia seeing that Mr.          25 Zamora was resisting arrest.</p>
<p style="text-align: right;">Page 154</p> <p>1 based on the City of Lyford report, based on Officer          2 Garcia's observations, written observations.          3 Q. Do you disagree with anything Officer Garcia          4 wrote up on that report?          5 A. Disagree in the sense of what he observed or          6 his actions?          7 Q. Well, it's your report. You put it in here.          8 A. Well, I disagree --          9 Q. Did you put anything in here in the incident          10 summary, these six paragraphs, that you think is not          11 true?          12 A. No. I don't think I put anything in there          13 that's not true.          14 Q. Okay. This incident summary was based on, in          15 large part, if not in whole part, on Officer Garcia          16 himself, correct?          17 A. On his official observations that he recorded          18 in his report.          19 Q. Now, Officer Garcia, it says here that he          20 reported that he observed the three deputies on the          21 ground with Mr. Zamora and that Mr. Zamora was          22 resisting arrest at that time. Do you have any          23 information or documentation that you consider to be          24 factual that is inconsistent with that?          25 A. If they were wrestling on the ground solely,</p>	<p style="text-align: right;">Page 156</p> <p>1 A. Yes.          2 Q. You don't have anything that contradicts          3 that, correct?          4 A. That's correct.          5 Q. And as far as anything physical that Officer          6 Garcia did, all you found was that he assisted these          7 three gentlemen in handcuffing Mr. Zamora while he was          8 resisting arrest, correct?          9 A. From a solely a physical perspective, that          10 was the question?          11 Q. That was the question, yes. Is that correct?          12 A. Yes, sir.          13 Q. Okay. You haven't seen or you don't have          14 any -- the bottom line is you don't have any          15 information that Mr. Garcia used the taser -- Officer          16 Garcia used the taser at the scene, do you?          17 A. That's correct.          18 Q. No information that he used any sort of          19 pepper spray at the scene, correct?          20 A. Correct.          21 Q. The bottom line is that all he did was help          22 handcuff this gentleman and then the Willacy County          23 officers took him in from there and that ended Officer          24 Garcia's involvement in this, didn't it?          25 A. No, sir.</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 157-160

<p style="text-align: right;">Page 157</p> <p>1 Q. How did it not end his involvement? What did          2 he -- what contact did Officer Garcia have with Mr.          3 Zamora after Mr. Zamora was taken into custody by the          4 Willacy County Sheriff's Department?          5 A. Well, I was just making clear, I think you          6 said all. There was previous -- Mr. Garcia was on the          7 scene and then left the scene, then he returned and          8 that's when he observed the --          9 Q. The moment that this gentleman was placed in          10 a Willacy County unit and taken to Willacy County          11 Jail, Officer Garcia had no further contact with Mr.          12 Zamora, correct?          13 A. I believe that's correct.          14 Q. Okay. The fact or allegation that Officer          15 Garcia didn't call EMS to the scene, you wouldn't          16 consider that to be use of excessive force, correct?          17 A. I would consider that a contributing factor.          18 Q. Would you consider it to be the use of          19 excessive force?          20 A. Not with a hands-on approach, but it would be          21 the denial of medical care.          22 Q. It wouldn't be a seizure, would it?          23 A. A seizure as in the sense of --          24 Q. Seizure of his --          25 A. -- custody?</p>	<p style="text-align: right;">Page 159</p> <p>1 the Willacy County deputies in restraining Mr. Zamora          2 after he had knowledge of potential drug use and          3 symptoms of excited delirium had presented itself to          4 his knowledge.          5 Q. Okay. That's it, right?          6 A. There -- there was an issue with regard to          7 search and seizure that I discussed.          8 Q. Well, entitled to seize a bag at one          9 particular time that allegedly contained drugs in it,          10 correct?          11 A. Yes.          12 Q. A backpack. That would be a non-seizure,          13 right? A non-search and seizure, correct?          14 A. Yes, sir. But it would have --          15 Q. So that would be a violation of the          16 Fourteenth Amendment to make a decision not to take          17 possession of a backup that may or may not have drugs          18 in it, correct?          19 A. Not -- yes, sir. Not specifically.          20 Q. Okay. Thank you. Who's the owner of 7342          21 Davao (ph) Street? Did you ever get an answer to          22 that?          23 A. Yes. I believe it might have been in one of          24 the petitions, but there was a statement to the effect          25 of the owner of the residences, as I recall.</p>
<p style="text-align: right;">Page 158</p> <p>1 Q. Not seizing this person by failing to do          2 something, correct?          3 A. No, sir. I don't think so.          4 Q. It's not a search of Mr. Zamora, either, by          5 making a decision not to call EMS, correct?          6 A. No, sir. I don't believe it would be.          7 Q. Do you understand that Officer Garcia and the          8 Willacy County folks, they're not being sued for          9 violating any kind of oath, right?          10 A. I don't know that, sir.          11 Q. Well, you've reviewed both the petition and          12 the petition and the (indiscernible).          13 A. Yes, sir. I have.          14 Q. And your lawyers, right?          15 A. Yes, sir.          16 Q. Okay. Was there anything in that petition          17 where they were alleging that this gentleman's death          18 was caused by someone violating the oath?          19 A. No, sir. The reason I listed the oath in          20 there was because it -- it mentions the constitution.          21 Q. Okay. What did Officer Garcia do to deprive          22 Mr. Zamora of any rights, privileges, or immunities          23 that adhere by the United States Constitution or its          24 laws?          25 A. He assisted, based on his report, he assisted</p>	<p style="text-align: right;">Page 160</p> <p>1 Q. Okay. And who was your understanding that          2 it's to. They don't have a residence where this          3 incident that happened.          4 A. I have to look it up here. I think it was          5 Mr. Roque or --          6 Q. Roque Romo?          7 A. Yes, sir. I think that's correct.          8 Q. Who is he?          9 A. Well again, I believe he was -- I believe it          10 was his residence where the incident occurred.          11 Q. Do you know if he's related to any of these          12 folks?          13 A. I have no idea, sir.          14 Q. You may have answered this, but have you          15 wanted to go to this at all yourself to get any facts          16 to write your report and make your opinions in this          17 case?          18 A. No, sir. Not at all. I operate with the          19 information that is submitted for review and whether          20 or not that is customary information for this kind of          21 incident.          22 Q. Is that a no?          23 A. It's a no to her, yes.          24 Q. Okay. And I think you already said that          25 Yvonne Zamora, you did not interview her either,</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
 161-164

<p style="text-align: right;">Page 161</p> <p>1 correct?</p> <p>2 A. That's -- that's correct.</p> <p>3 Q. Okay.</p> <p>4 MR. ERWIN: All right. That's all I have at</p> <p>5 this time.</p> <p>6 EXAMINATION</p> <p>7 BY MR. PEREZ:</p> <p>8 Q. Mr. Howse, I want to talk more briefly about</p> <p>9 your time at Baylor Med Center. You said it was on 40</p> <p>10 blocks; is that right?</p> <p>11 A. Approximately. It's grown even since then.</p> <p>12 Q. And that area encompasses (indiscernible) and</p> <p>13 (indiscernible) Park, that area; is that right?</p> <p>14 A. Yes, sir. Sometimes it's called Old East</p> <p>15 Dallas. It is urbanized downtown kind of environment.</p> <p>16 Q. Is that a high-crime area?</p> <p>17 A. Yes, sir.</p> <p>18 Q. I guess was it a high-crime area at the time</p> <p>19 that you were working at Baylor University Med Center?</p> <p>20 A. Yes, sir.</p> <p>21 Q. You mentioned that one of the officers that</p> <p>22 you supervised had responded to a 7/11 theft. Was</p> <p>23 that normal to happen there within those 40 blocks at</p> <p>24 Baylor University Med Center?</p> <p>25 A. Yes. It was located basically across the</p>	<p style="text-align: right;">Page 163</p> <p>1 Q. Okay. Now I want to talk about, and this</p> <p>2 kind of -- the bar discussion kind of spills over into</p> <p>3 this talking about excited delirium syndrome. Can you</p> <p>4 kind of discuss and explain what is that?</p> <p>5 A. Excited delirium, and again, TCOLE provides</p> <p>6 this training. It has always been an issue, but here</p> <p>7 now, TCOLE does require excited delirium training for</p> <p>8 all peace officers no matter where you work. But</p> <p>9 basically, it's a concept, and as we discussed</p> <p>10 earlier, there's some medical opinions, whether that's</p> <p>11 an official diagnosis or not, but whether they're</p> <p>12 consistent or not, there's no doubt about that.</p> <p>13 And what that is, officers are trained that look</p> <p>14 if you have interviewed somebody that's acting</p> <p>15 erratically, hallucinating, admitting to drug use or</p> <p>16 has drugs on them, often times cocaine, and they are</p> <p>17 exhibiting that behavior, erratic behavior, that is a</p> <p>18 classic sign of excited delirium, or it could be</p> <p>19 something else. But it still -- it's a medical -- we</p> <p>20 train officers to understand that. Then it becomes a</p> <p>21 medical emergency.</p> <p>22 Q. All right. And what are officers supposed to</p> <p>23 do at that point?</p> <p>24 A. Summon EMS, try not to agitate the</p> <p>25 individual, restrain them to the extent that one can</p>
<p style="text-align: right;">Page 162</p> <p>1 street from the other major medical buildings.</p> <p>2 Q. I guess was violent crime I guess a regular</p> <p>3 occurrence in those 40 blocks?</p> <p>4 A. Yes, sir.</p> <p>5 Q. So through that experience, then would you</p> <p>6 know, I guess, how police officers should use deadly</p> <p>7 force or use any force at all if necessary?</p> <p>8 A. Yes, sir. I was a trainer with the</p> <p>9 department, a field training -- a field trainer for</p> <p>10 new officers. Then, I was also a trainer in our</p> <p>11 training department providing TCOLE-approved training</p> <p>12 to our officers and other agencies. And also</p> <p>13 participated in what we call situational exercises,</p> <p>14 which is shoot, don't shoot, that kind of thing,</p> <p>15 arrest, don't arrest.</p> <p>16 Q. I guess for folks don't know the 40-block</p> <p>17 area, is it the kind of place that I guess you leave</p> <p>18 the car door unlocked or you go at night?</p> <p>19 A. Well, no, sir. I mean, obviously Deep Ellum</p> <p>20 is a nighttime attraction predominantly and, as I</p> <p>21 mentioned, consists of bars and clubs and restaurants</p> <p>22 and entertainment venues. That was adjacent to one</p> <p>23 side of the campus and there was a lot of spillover,</p> <p>24 particularly during the summer, onto the campus</p> <p>25 itself.</p>	<p style="text-align: right;">Page 164</p> <p>1 do so without causing injury, you know, just</p> <p>2 self-protect, much like someone who's having a seizure</p> <p>3 or something. And try to, as best you can, determine</p> <p>4 what the causes are. In other words, what were the</p> <p>5 (indiscernible) taken? Is the person exhibiting any</p> <p>6 dangerous behavior to themselves or someone else, and</p> <p>7 have additional officers arrive on scene to help you.</p> <p>8 So you can try to reason, try to understand what the</p> <p>9 base nature is of their odd behavior.</p> <p>10 Q. And I guess in dealing with excited delirium</p> <p>11 syndrome, does it have anything to do with trauma</p> <p>12 treatment at all?</p> <p>13 A. Well --</p> <p>14 Q. And I guess, let me ask you this. Let me ask</p> <p>15 you this.</p> <p>16 A. Yeah.</p> <p>17 Q. What officers are supposed to do, does that</p> <p>18 change whether or not you have a level 1 trauma center</p> <p>19 right next to you?</p> <p>20 A. No. The TCOLE training for officers is TCOLE</p> <p>21 training for officers. The fact that we had a</p> <p>22 convenient level 1 trauma center was helpful, but that</p> <p>23 has nothing to do with the training of the officers.</p> <p>24 The training of the officers is to notify EMS and get</p> <p>25 them there to help stabilize the patient prior to</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023

165-168

<p style="text-align: right;">Page 165</p> <p>1 doing anything else.</p> <p>2 Q. And what the officers are supposed to do,</p> <p>3 does that change whether they're in a jail setting or</p> <p>4 not a jail setting?</p> <p>5 A. It could occur in a jail setting or an</p> <p>6 on-scene setting if there wasn't, again, in this case,</p> <p>7 if it wasn't detected by the officers on-scene, then</p> <p>8 it can still manifest at the jail, yes.</p> <p>9 Q. I guess what the officers are supposed to do,</p> <p>10 is it universal? Is it just commonly known to all</p> <p>11 police officers?</p> <p>12 A. Well, it should be known. Yes, that's the</p> <p>13 training.</p> <p>14 Q. Whether they're in a shopping center as you</p> <p>15 see one of their cases was, or if it's I guess near a</p> <p>16 level 1 trauma center, no matter where the location</p> <p>17 is, this is what police officers are supposed to do?</p> <p>18 A. Absolutely. Regardless of location anywhere</p> <p>19 in the state of Texas, the Commission of Law</p> <p>20 Enforcement has set forth the training standards and</p> <p>21 guidelines and individual departments, most of them.</p> <p>22 I don't know all of them, of course, but most of them</p> <p>23 have developed their own policies that incorporate</p> <p>24 that training.</p> <p>25 Q. Now, this training, I guess should all police</p>	<p style="text-align: right;">Page 167</p> <p>1 A. I don't believe so.</p> <p>2 Q. Whenever you review one of these cases, you</p> <p>3 say you've reviewed these cases before, do you</p> <p>4 typically talk to any of the folks that issue it,</p> <p>5 whether that be, you know, Frank Salinas, the issuer</p> <p>6 of the autopsy, or whoever it might be?</p> <p>7 A. Generally, no. Generally, I rely upon the</p> <p>8 documents that have been submitted as evidence.</p> <p>9 Q. And again, we're talking about other</p> <p>10 documents that were submitted -- that were not</p> <p>11 submitted as evidence including video. What video</p> <p>12 would you expect to see in an incident such as this</p> <p>13 one?</p> <p>14 A. Well, again, technically there would be the</p> <p>15 City of Lyford Officer Garcia bodycam if he had one,</p> <p>16 or dashcam if he had one, or any audio recording, if</p> <p>17 he had one. Then, with Willacy County, there would be</p> <p>18 same thing, the deputy's bodycams if they were so</p> <p>19 issued, deputy's vehicle cams, which capture both the</p> <p>20 front and the prisoner transport rear, or should have</p> <p>21 captured the rear of the police vehicle that would</p> <p>22 show Mr. Zamora being transported, as well as arrival</p> <p>23 at the jail. The jail should be equipped with</p> <p>24 surveillance cameras in the booking area as well as</p> <p>25 generally through and throughout the jail.</p>
<p style="text-align: right;">Page 166</p> <p>1 departments adhere to this training for excited</p> <p>2 delirium syndrome?</p> <p>3 A. Yes, sir. It's a TCOLE mandate.</p> <p>4 Q. And if a county, sheriff's department, or a</p> <p>5 city police department doesn't have policies regarding</p> <p>6 this, would that be any sort of violation of standard</p> <p>7 of care?</p> <p>8 A. Yes, sir. It would. It would be outside</p> <p>9 generally accepted lease practices and procedures as</p> <p>10 well as the State of Texas TCOLE mandate.</p> <p>11 Q. And if it had a custom that went against this</p> <p>12 mandate, would that also be a violation of generally</p> <p>13 accepted practices?</p> <p>14 A. Yes, sir. It could be an indication of</p> <p>15 deliberate indifference toward the safety of people in</p> <p>16 their custody.</p> <p>17 Q. Let's see here, so we heard about how the</p> <p>18 written statements, or witness statements, rather,</p> <p>19 that you reviewed, they were not sworn. The incident</p> <p>20 report from the City of Lyford, was that sworn?</p> <p>21 A. I don't believe it was sworn.</p> <p>22 Q. Was the autopsy report sworn?</p> <p>23 A. I don't believe those were sworn either.</p> <p>24 They were official letterhead-type documents.</p> <p>25 Q. Was the toxicology report sworn?</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. The cell phone video that Ms. Zamora took,</p> <p>2 would that have been helpful?</p> <p>3 A. Yes.</p> <p>4 Q. And just to clarify, it's not in police</p> <p>5 practices typically to delete cell phone video; is</p> <p>6 that right?</p> <p>7 A. That's correct.</p> <p>8 Q. From what you've reviewed, was Mr. Zamora</p> <p>9 showing signs of excited delirium syndrome?</p> <p>10 A. Based on the report that Officer Garcia</p> <p>11 wrote, that was the very first thing that jumped out</p> <p>12 at me as he was describing the perfect classic, I</p> <p>13 guess you'd say, excited delirium contact.</p> <p>14 Q. And from the report, did it appear that</p> <p>15 Officer Garcia had received any training on excited</p> <p>16 delirium syndrome?</p> <p>17 A. I don't have his training records, but all I</p> <p>18 can state is that he did not -- appears to not have</p> <p>19 recognized what he was dealing with with regard to Mr.</p> <p>20 Zamora's actions and admitted drug use.</p> <p>21 Q. And the sheriff's deputies, did they appear</p> <p>22 to recognize the excited delirium syndrome?</p> <p>23 A. I have no documentation that -- that notes</p> <p>24 that they did. It appears to me, based on the City of</p> <p>25 Lyford report, and that they were treating Mr. Zamora</p>

KEITH ALLAN HOWSE  
 BLANCA GOMEZ V. CITY OF LYFORD



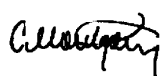
July 25, 2023  
 169-172

<p style="text-align: right;">Page 169</p> <p>1 as someone who was resisting arrest and wrestling with</p> <p>2 him and handcuffing him, so that is an indicator to me</p> <p>3 that they did not.</p> <p>4 MR. PEREZ: I'll pass the witness.</p> <p>5 MR. HAYWARD: Anybody else?</p> <p>6 MR. PEREZ: Mr. Youngs?</p> <p>7 MR. YOUNGS: I have no questions for the</p> <p>8 witness.</p> <p>9 MR. HAYWARD: Just give me one second,</p> <p>10 please. I'm good. I'll reserve the rest of my</p> <p>11 questions. Thanks.</p> <p>12 THE REPORTER: Anybody else? No? Okay. Let</p> <p>13 me go ahead and take transcript orders. Give me one</p> <p>14 second here.</p> <p>15 Okay. Mr. Hayward, I just want to confirm</p> <p>16 electronic, 10 standard business days? Electronic, 10</p> <p>17 standard business days?</p> <p>18 MR. HAYWARD: Yes. Thanks.</p> <p>19 THE REPORTER: Perfect.</p> <p>20 Mr. Erwin, you would like a copy, a rough</p> <p>21 draft, and 10 business days?</p> <p>22 MR. ERWIN: (No audible response.)</p> <p>23 THE REPORTER: Mr. Perez, would you like copy</p> <p>24 today?</p> <p>25 MR. PEREZ: Yes, please.</p>	<p style="text-align: right;">Page 171</p> <p>1 CHANGES AND SIGNATURE</p> <p>2 WITNESS NAME: KEITH ALLAN HOWSE</p> <p>3 JOB NO. J9927495</p> <p>4 DATE OF PROCEEDING: JULY 25, 2023</p> <p>5 Page, Line Change Reason</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>
<p style="text-align: right;">Page 170</p> <p>1 THE REPORTER: Electronic, 10 standard</p> <p>2 business days?</p> <p>3 MR. PEREZ: Yes. That's not rough, right?</p> <p>4 THE REPORTER: Nope, standard.</p> <p>5 MR. PEREZ: Okay.</p> <p>6 THE REPORTER: Mr. Youngs, would you like</p> <p>7 copy today?</p> <p>8 MR. YOUNGS: Not today. I sent everything</p> <p>9 over in the chat though.</p> <p>10 THE REPORTER: Perfect. Sounds good.</p> <p>11 And then Mr. Howse, I just wanted to</p> <p>12 confirm --</p> <p>13 (Crosstalk.)</p> <p>14 THE REPORTER: Mr. Howse, I just wanted to</p> <p>15 confirm that you would like to go ahead and read and</p> <p>16 sign?</p> <p>17 MR. PEREZ: Yes. That is counsel's</p> <p>18 preference.</p> <p>19 THE WITNESS: Yes.</p> <p>20 THE REPORTER: Okay. Sounds good.</p> <p>21 THE VIDEOGRAPHER: We are off the record at</p> <p>22 2:07 p.m.</p> <p>23 (Whereupon, the deposition concluded at 2:07 p.m.)</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 172</p> <p>1 I, KEITH ALLAN HOWSE, have read the foregoing</p> <p>2 transcript and hereby affix my signature that same is</p> <p>3 true and correct, except as noted on the previous</p> <p>4 page.</p> <p>5 _____</p> <p>6</p> <p>7 KEITH ALLAN HOWSE</p> <p>8</p> <p>9 THE STATE OF TEXAS</p> <p>10 COUNTY OF _____</p> <p>11</p> <p>12 Before me, _____, on this day</p> <p>13 personally appeared KEITH ALLAN HOWSE, known to me</p> <p>14 (or proved to me under oath or through</p> <p>15 _____) to be the person whose name</p> <p>16 is subscribed to the foregoing instrument and</p> <p>17 acknowledged to me that they executed the same for the</p> <p>18 purposes and consideration therein expressed.</p> <p>19 Given under my hand and seal of office this ____ day</p> <p>20 of _____ 2023.</p> <p>21</p> <p>22 _____</p> <p>23</p> <p>24 Notary Public in and for</p> <p>25 the State of Texas</p>



KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
173-176

Page 173	Page 175
<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 BROWNSVILLE DIVISION</p> <p>4 BLANCA GOMEZ, ET AL.,</p> <p>5 Plaintiffs,</p> <p>6 AND C.A. NO.</p> <p>7 YVONNE MICHELLE ZAMORA, 1:22-CV-00036</p> <p>8 Plaintiff-Intervenor,</p> <p>9 vs.</p> <p>10 CITY OF LYFORD, ET AL.,</p> <p>11 Defendants.</p> <p>12</p> <p>13 REPORTER'S CERTIFICATE</p> <p>14 DEPOSITION OF KEITH ALLAN HOWSE</p> <p>15</p> <p>16 I, TAUNEE DRECHSEL, Digital Reporter and Notary Public 17 for the State of Texas, hereby certify to the 18 following:</p> <p>19 That the witness, KEITH ALLAN HOWSE was duly sworn by 20 me and that the testimony was accurately captured with 21 annotations by me during the proceeding;</p> <p>22 That the transcript was submitted on _____ to the 23 witness for examination, signature, and returned to me 24 by _____, 2023.</p> <p>25 The amount of time used by each party at the proceeding was as follows:</p> <p>John-Michael Hayward, Esq. - 03:19:00</p>	<p>1 FURTHER CERTIFICATION UNDER RULE 203 TCRP</p> <p>2</p> <p>3 The original deposition was/was not returned to the deposition officer on _____.</p> <p>4</p> <p>5 If returned, the attached Change and Signature page contains any changes and the reasons therefor;</p> <p>6 If returned, the original deposition was delivered to JOHN-MICHAEL HAYWARD, Esq., Custodial Attorney.</p> <p>7</p> <p>8 That \$_____ is the deposition officer's charges to the custodial party for preparing the original deposition transcript and any copies of exhibits.</p> <p>9</p> <p>10 That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on _____ and files with the Clerk.</p> <p>11 Certified to me by this 04 August, 2023</p> <p>12</p> <p>13 </p> <p>14 Taunee Colene Drechsel</p> <p>15</p> <p>16 TAUNEE DRECHSEL Notary Commission No. 133395146 Commission Expires: October 15, 2025 Firm Registration No. 3</p>
<p>1 D. Alan Erwin, Jr., Esq. - 00:13:00 2 Israel Perez, Esq. - 00:11:00 3 Christopher Youngs, Esq. - 00:00:00</p> <p>4</p> <p>5 That \$_____ is the deposition officer's charges to counsel for preparing the original deposition transcript and any copies and any copies of exhibits;</p> <p>6 That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes counsel for all parties of record:</p> <p>7 JOHN-MICHAEL HAYWARD, Esq., Attorney for Defendant Willacy County and Willacy County Sheriff's Department</p> <p>8 D. ALAN ERWIN, JR., Esq., Attorney for Defendant Lyford Police Department</p> <p>9 ISRAEL PEREZ, Esq., Attorney for Plaintiff Blanca Gomez, et al.</p> <p>10 CHRISTOPHER YOUNGS, Esq., Attorney for Intervenor Yvonne Michelle Zamora</p> <p>11</p> <p>12 I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.</p> <p>13 Further certification requirements pursuant to 203 of TCRP will be certified to after they have occurred.</p> <p>14</p> <p>15 Certified to me this 04 August, 2023.</p> <p>16</p> <p>17 </p> <p>18 Taunee Colene Drechsel</p> <p>19</p> <p>20 TAUNEE DRECHSEL Notary Commission No. 133395146 Commission Expires: October 15, 2025 Firm Registration No. 3</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 CERTIFICATE OF TRANSCRIPTIONIST</p> <p>2</p> <p>3 I, Courtney Montgomery, legal 4 transcriptionist, do hereby certify:</p> <p>5</p> <p>6 That the foregoing is a complete and accurate transcript of the original digital audio recording of 7 the testimony and proceedings captured in the above entitled matter. As the transcriptionist, I have 8 reviewed and transcribed the entirety of the 9 proceeding to ensure a verbatim record to the best of 10 my ability.</p> <p>11</p> <p>12 I further certify that I am not neither 13 attorney for, nor a relative or employee of any of the 14 parties to the action; further, that I am not a 15 relative or employee of any attorney employed by the 16 parties hereto, nor financially or otherwise 17 interested in the outcome of this matter.</p> <p>18</p> <p>19 In witness thereof, I have hereunto set my hand this 04 August, 2023.</p> <p>20</p> <p>21 </p> <p>22 Courtney Montgomery</p> <p>23 Legal Transcriber</p> <p>24</p> <p>25</p>

KEITH ALLAN HOWSE  
BLANCA GOMEZ V. CITY OF LYFORD

July 25, 2023  
177-179

Page 177	Page 179
1 Reference No.: 9927495	1 Reference No.: 9927495
2	Case: BLANCA GOMEZ V. CITY OF LYFORD
3 Case: BLANCA GOMEZ V. CITY OF LYFORD	2
4	3 Page No. _____ Line No. _____ Change to: _____
5	4 _____
6	5 Reason for change: _____
7	6 Page No. _____ Line No. _____ Change to: _____
8	7 _____
9	8 Reason for change: _____
10	9 Page No. _____ Line No. _____ Change to: _____
11	10 _____
12	11 Reason for change: _____
13	12 Page No. _____ Line No. _____ Change to: _____
14	13 _____
15	14 Reason for change: _____
16	15 Page No. _____ Line No. _____ Change to: _____
17	16 _____
18	17 Reason for change: _____
19	18 Page No. _____ Line No. _____ Change to: _____
20	19 _____
21	20 Reason for change: _____
22	21 Page No. _____ Line No. _____ Change to: _____
23	22 _____
24	23 Reason for change: _____
25	24
DECLARATION UNDER PENALTY OF PERJURY	SIGNATURE: _____ DATE: _____
I declare under penalty of perjury that	25 Keith Allan Howse
I have read the entire transcript of my Depo-	
sition taken in the captioned matter or the	
same has been read to me, and the same is	
true and accurate, save and except for	
changes and/or corrections, if any, as indi-	
cated by me on the DEPOSITION ERRATA SHEET	
hereof, with the understanding that I offer	
these changes as if still under oath.	
Keith Allan Howse	
NOTARIZATION OF CHANGES	
(If Required)	
Subscribed and sworn to on the _____ day of	
_____, 20____ before me,	
(Notary Sign) _____	
(Print Name) _____ Notary Public,	
in and for the State of _____	
Page 178	
1 Reference No.: 9927495	
2 Case: BLANCA GOMEZ V. CITY OF LYFORD	
3	
4 Page No. _____ Line No. _____ Change to: _____	
5	
6 Reason for change: _____	
7 Page No. _____ Line No. _____ Change to: _____	
8	
9 Reason for change: _____	
10 Page No. _____ Line No. _____ Change to: _____	
11	
12 Reason for change: _____	
13 Page No. _____ Line No. _____ Change to: _____	
14	
15 Reason for change: _____	
16 Page No. _____ Line No. _____ Change to: _____	
17	
18 Reason for change: _____	
19 Page No. _____ Line No. _____ Change to: _____	
20	
21 Reason for change: _____	
22 Page No. _____ Line No. _____ Change to: _____	
23	
24 Reason for change: _____	
25	
SIGNATURE: _____ DATE: _____	
Keith Allan Howse	